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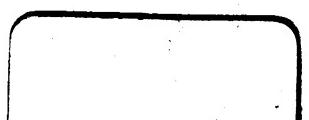
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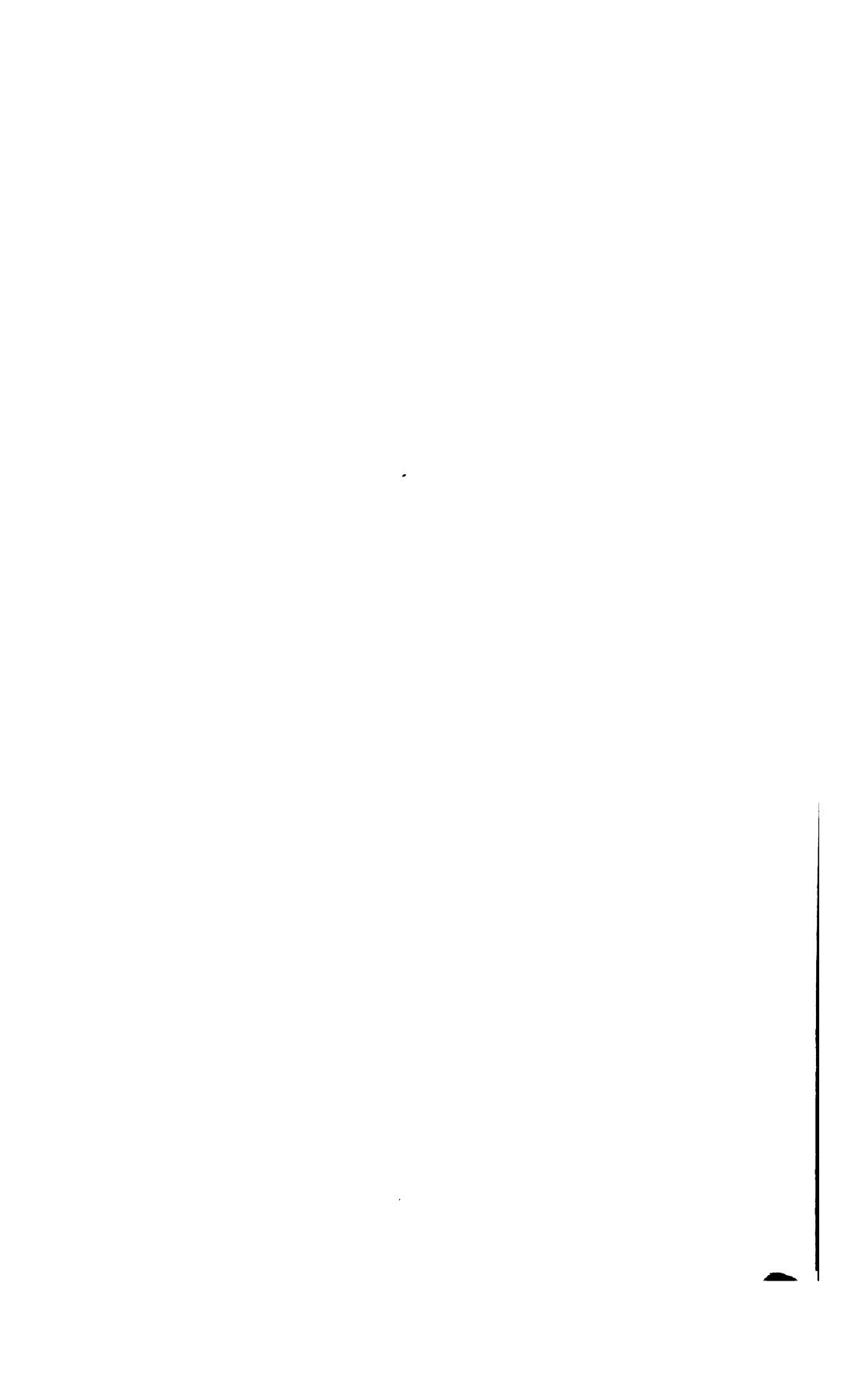
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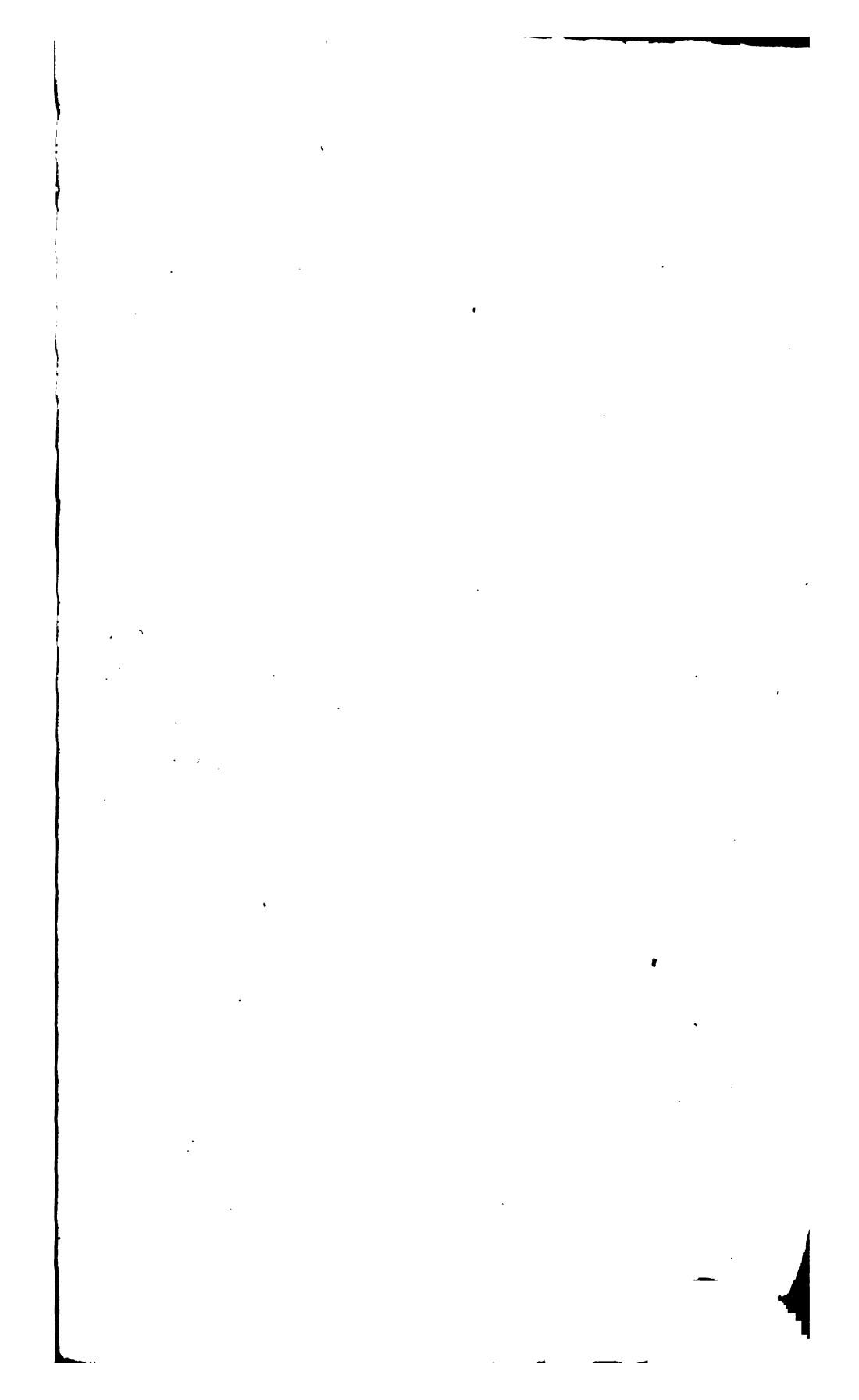












48<sup>th</sup> Assembly 1823

Last Session Primarily to be remarkable,

*Chancery. Freeholders.*

PUBLIC ACTS.

*Newtown*

*John - Blessing*

A C T S

OF THE

47

GENERAL ASSEMBLY

*Only one session*

OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SECOND DAY OF  
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-TWO.



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Trenton:

PRINTED BY JOSEPH JUSTICE.

1823.

L 8484

NOV 1 1933

A C T S  
OF THE  
FORTY-SEVENTH  
GENERAL ASSEMBLY  
OF THE  
STATE OF NEW-JERSEY.

AN ACT to repeal an act entitled, "An act respecting Deputies to the Attorney-General," and to provide for the appointment of Prosecutors of the Pleas of the State in the several counties.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled, " An act respecting deputies to the attorney-general," passed the fifth day of February, one thousand eight hundred and twelve, be, and the same is hereby repealed.

2. And be it enacted, That from and after the passage of this act, the respective Courts of General Quarter-Sessions of the Peace, in the several counties of this state, shall appoint some fit and proper person to prosecute the pleas of the state, in the absence of the attorney-general, in each and every county of this state, which person, so appointed, previous to his entering upon the duties of his office, shall take and subscribe, before the clerk of the county for which he has been appointed, the following oath or affirmation, *viz.* "I, do solemnly promise and swear, (or affirm) that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state in and for the county of to the best of my abilities and understanding: so help me God." And the said prosecutors shall severally hold their offices for the term of five years, from and after the dates of their appointments respectively, and shall, during the said

Courts of  
Quarter-Ses-  
sions hence-  
forth to ap-  
point, on cer-  
tain condi-  
tions, prose-  
cutors of the  
pleas, in each  
county, &c.

term, be vested with the same powers, entitled to the same fees, and subject to the same penalties, in the absence of the attorney-general, within their respective counties, as the attorney-general is by law vested with, and entitled, and subject to.

On certain contingencies, court may appoint a substitute, &c.

3. *And be it enacted*, That nothing herein contained shall prevent the court of any county, in case of the absence of the attorney-general and of the prosecutor for said county, during any term of said court, from appointing a substitute to prosecute the pleas of the state during said term, who shall take the oath, be vested with the powers, entitled to the fees, and subject to the penalties above prescribed, allowed, and imposed.

A. Passed November 9, 1822.

**AN ACT for the better preservyation of the Books and Papers belonging to the Legislature of this State.**

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That a suitable person shall be annually appointed, by the council and general assembly of this state, in joint-meeting, as a librarian of the two houses of the legislature, to serve for one year, and until another be chosen in his stead.

His duty.

2. *And be it enacted*, That the said librarian shall have the custody of the books and papers belonging to the council and general assembly, except the papers immediately appertaining to the business of the respective clerks; and that it shall be his duty to arrange the same, in proper cases, in one of the committee rooms of the state-house most convenient for that purpose, and to attend daily, during the sitting of the legislature and of the Court of Errors, and keep a regular catalogue of the books and papers, and give out the same agreeably to such regulations as may, from time to time, be established by the joint authority of the two houses; and that he shall receive, for his services, a compensation of two dollars for every day he shall be necessarily employed in the said business, to be paid to him by the treasurer, upon a certificate of the president or vice-president of the council and speaker of the house of assembly.

Moneys appropriated.

3. *And be it enacted*, That for the purpose of enabling the said librarian to procure the necessary accommodations, and to bind and put in order the books now on hand, there be, and hereby is, appropriated the sum of two hundred dollars, to be paid to him by the treasurer, out of any moneys in the treasury not otherwise appropriated, and expended under the direction of Garret D. Wall, Charles Ewing, and James J. Wilson; and the

said librarian and his assistants are hereby authorized to expend any surplus of the said appropriation in purchasing such books and documents as may be necessary to complete broken sets, or may, in their opinion, be most useful to the members of the two houses.

C. Passed November 16, 1822.

**AN ACT appropriating a sum of money for the protection of the Oyster-beds in the Delaware Bay.**

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the sum of one thousand dollars be, and hereby is, appropriated to defray the reasonable expenses incurred and to be incurred by the inhabitants of Maurice river, and others, in defending the oyster-beds situate in the Delaware Bay, within the bounds of this state, against the depredations and claims of citizens of other states. Moneys ap-propriated.
2. *And be it enacted,* That Timothy Elmer, George Bacon, and Elias P. Seely, are hereby appointed commissioners, and authorized to draw on the treasurer for the whole or such part of said appropriation as they shall, from time to time, determine to be necessary, and expend the same in prosecuting or defending any suits at law, between citizens of this state and of other states, relating to the defence of the said oyster-beds: *Provided;* That before the said commissioners shall draw any money by virtue of the appropriation herein made, they shall make oath or affirmation, before some justice of the peace of the county of Cumberland, faithfully and impartially to execute the duties of their said appointment, and file the same in the clerk's office of said county, and present a certified copy thereof to the treasurer.

3. *And be it enacted,* That the said commissioners shall keep an exact and true account of the expenditures made by virtue of this act, and lay the same before the legislature at their next session, and pay any balance that may remain in their hands to the treasurer.

C. Passed November 21, 1822.

Balance to be paid to treasurer.

**A SUPPLEMENT** to an act entitled, "An act for the relief of persons imprisoned for debt," passed the eighteenth day of March, one thousand seven hundred and ninety-five.

Debtors to answer certain interrogatories, &c.

Weekly stipend, how and when paid.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in addition to what is provided by the act above recited, it shall be the duty of the court, at the time of hearing, to examine the debtor touching his confinement, whether his imprisonment was compulsory or voluntary, and whether he has not, at any time between the day of his application to the court for his hearing, and the time of his examination, been without the prison limits, prescribed by law, to all which, and such other questions as shall be asked by the creditor, under permission of the court, the debtor shall a full answer make, subject to the requirements and liabilities of the original act: and if it shall appear, that the debtor has been without the prison limits, or that his confinement was not compulsory, or will not a satisfactory answer make to the questions proposed, it shall be the duty of the court to stay all further proceeding in the case.

2. *And be it enacted,* That the weekly stipend allowed by the sixth section of the act, to which this is a supplement, to be paid to the debtor under the direction of the court, be extended, at the discretion of the court, to one dollar, and that the same may be paid to the debtor, or left with the gaoler, at such time, and in such sum, as the creditor or creditors may choose: *Provided* the said allowance be not withheld for a space longer than one week at any one time.

A. Passed November 28, 1822.

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### AN ACT respecting Aliens.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all aliens in this state, who have been in the United States for a less term than five years, be, and they are hereby exempted from the performance of common militia duty.

A. & C. Passed November 27, 1822.

**AN ACT** directing the mode of appointing Surrogates.

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the surrogates of the several counties of this state, shall hereafter be appointed by the joint-meeting, and shall hold their offices during the term of five years, unless sooner removed according to law.

By whom appointed.

**2. And be it enacted,** That in case any vacancy should occur in any of the aforesaid offices, by death, resignation or otherwise, it shall be the duty of the governor or person administering the government for the time being, to appoint some fit and proper person to fill such vacancy; which person so appointed, shall hold his office until the next session of the legislature, when the joint-meeting shall appoint for the term of five years, as provided in the first section of this act.

Vacancies,  
how to be fill,  
ed.

**3. And be it enacted,** That the surrogates so as aforesaid to be appointed, shall severally give bond and security; take an oath or affirmation; perform the duties; be entitled to the compensation, and be subject to the penalties prescribed by the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state," passed the thirteenth day of June, one thousand eight hundred and twenty, and that so much of the above recited act, as comes within the purview of this act, be, and the same is hereby repealed.

To give bond,  
&c.

What repeal,  
ed.

**C. Passed November 28, 1822.**

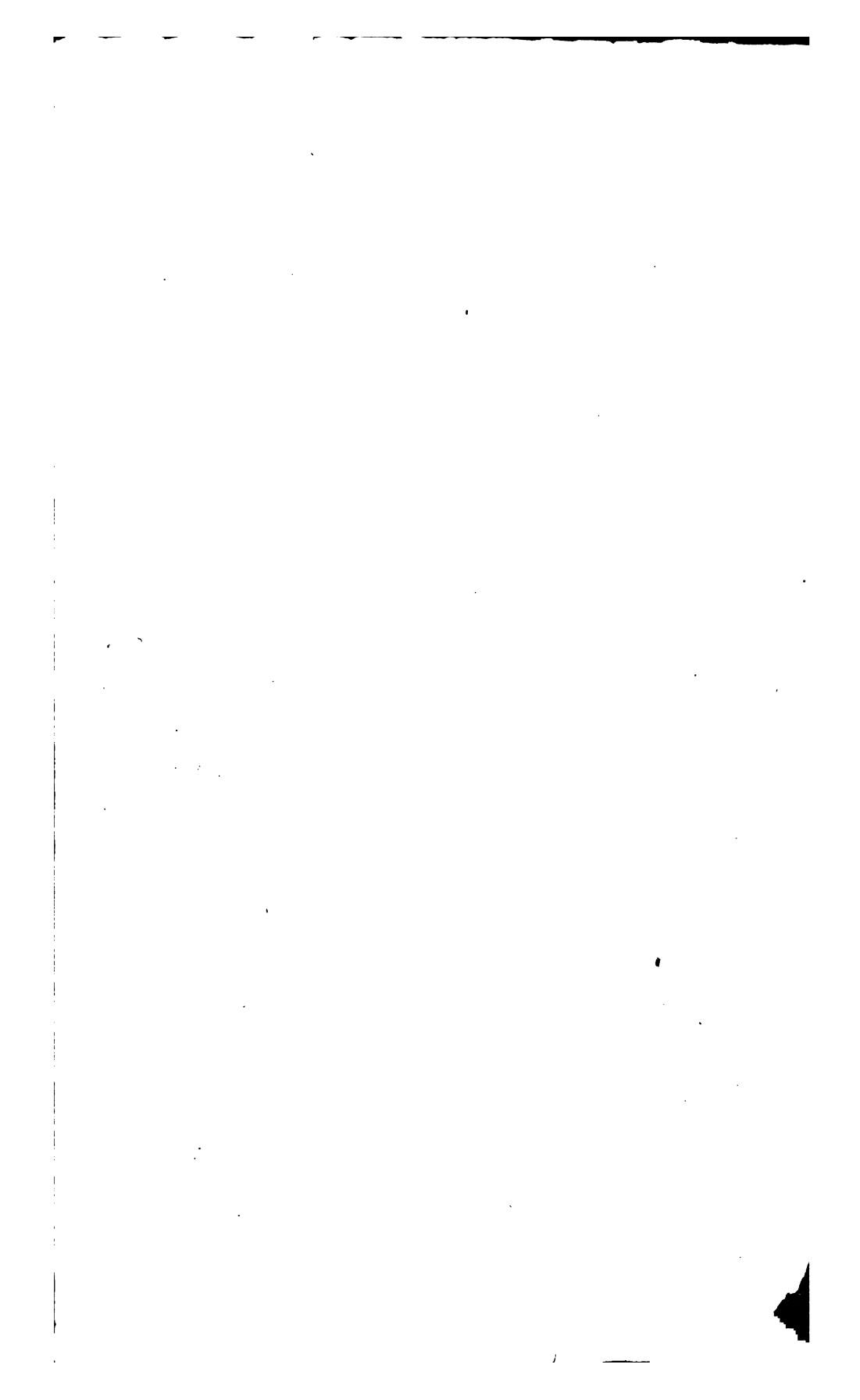
A further supplement to "An act for the preservation of deer and other game, and to prevent trespassing with guns," passed December 21, 1771.

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons shall kill, destroy, hunt or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the first day of October and the second day of January, yearly and every year, he or they so offending shall forfeit and pay the sum of twenty dollars for each and every such offence, to be sued for and recovered, with costs of suit, in an action of debt, by any person, before any justice of the peace of any county of the state of New-Jersey,

When deer  
may be killed.

Penalty for  
killing contra-  
ry to this act.





48<sup>th</sup> Assembly 1823

Last Session Prayer & acts separately,

*Chancery. Freeholders.*

PUBLIC ACTS.

*Newtown*

*John - Blessing*

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*1822*

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NEW JERSEY LIBRARY

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1823.

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ACTS  
OF THE  
FORTY-SEVENTH  
GENERAL ASSEMBLY  
OF THE  
STATE OF NEW-JERSEY.

**AN ACT** to repeal an act entitled, "An act respecting Deputies to the Attorney-General," and to provide for the appointment of Prosecutors of the Pleas of the State in the several counties.

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled, "An act respecting deputies to the attorney-general," passed the fifth day of February, one thousand eight hundred and twelve, be, and the same is hereby repealed.

Former act repealed.

**2. And be it enacted,** That from and after the passage of this act, the respective Courts of General Quarter-Sessions of the Peace, in the several counties of this state, shall appoint some fit and proper person to prosecute the pleas of the state, in the absence of the attorney-general, in each and every county of this state, which person, so appointed, previous to his entering upon the duties of his office, shall take and subscribe, before the clerk of the county for which he has been appointed, the following oath or affirmation, *viz.* "I, do solemnly promise and swear, (or affirm) that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state in and for the county of \_\_\_\_\_ to the best of my abilities and understanding: so help me God." And the said prosecutors shall severally hold their offices for the term of five years, from and after the dates of their appointments respectively, and shall, during the said

Courts of  
Quarter-Ses-  
sions hence-  
forth to ap-  
point, on cer-  
tain condi-  
tions, prose-  
cutors of the  
pleas, in each  
county, &c.

clared to be the middle or midway of the waters of the Sound, adjoining the same, as far as the limits of the said county extend.

**Boundaries of Middlesex.**

2. *And be it enacted,* That the easterly bounds of the county of Middlesex, are declared to be the middle or midway of the waters of the Sound adjoining the same, to the middle of the channel, at the junction of the waters of the Sound, with the waters of the Rariton river, to the eastward of the flat or shoal which extends from Amboy or Cole's Point, and thence to the mouth of Whale creek, the beginning of the bounds of the counties of Middlesex and Monmouth.

**Boundaries of Monmouth.**

3. *And be it enacted,* That the northerly bounds of the county of Monmouth, are declared to be the middle or midway of the waters of Rariton Bay, from the line of Middlesex to the main channel, which passes by Sandy-Hook, and along the said channel to the sea.

**Boundaries of Salem.**

4. *And be it enacted,* That the northern bounds of the county of Salem, shall be taken and deemed to be as follows: to extend from the middle of the channel at the mouth of Oldman's Creek, to the main ship channel of the River Delaware, striking the same at a right angle, and the southern bounds extending from said ship channel along the Cumberland line, to the middle of the channel at the mouth of Stow creek.

**Boundaries of Cumberland.**

5. *And be it enacted,* That the northerly bounds of the county of Cumberland, shall be taken and deemed to extend from the middle of the channel at the mouth of Stow-creek, to the main ship channel in the river Delaware, striking the same at a right angle, and the southern bounds shall be taken and deemed to extend, from opposite the middle of the mouth of West's creek, to the main ship channel in Delaware Bay, making a right angle therewith.

**Boundaries of Cape-May.**

6. *And be it enacted,* That the line of partition between the counties of Cumberland and Cape-May, shall be taken and deemed to be as follows, to wit: to begin at the place where the waters of Mill or Hickman's creek fall into the channel of Tuckahoe river, at the boundary line of Gloucester county, and running thence directly into the mouth of said creek, continuing the same course by a line of marked trees, (which by the present position of the compass is south, fifty-seven degrees, and about thirty minutes west) until it strikes Hughes' on the lower mill-pond, on West or Jecak's creek, thence down the middle of the ancient watercourses thereof, until it falls into Delaware Bay, and thence continue a due south-west course until it strikes the line of said counties, at the ship channel of the said bay.

C. Passed November 28, 1822.

**AN ACT** to cede to the United States, the jurisdiction over a piece of land in the county of Cape-May, for a Light-House.

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That for the purpose of erecting a light-house, jurisdiction is hereby ceded to the United States, in and over the following tract or piece of land in the county of Cape-May, to wit: beginning at a stone, for a corner, standing on the north-east side of a large ridge of sand hills, and on a course from the Light-House, at Cape-Henlopen, north about thirty-four degrees east, distance about twenty miles by calculation, and on a course from Thomas H. Hughes' large house on Cape-Island, due west, distance about two and a half miles, and running from said beginning corner north fifty-four degrees east ten perches to another stone for a corner standing about four feet from a leaning red cedar tree, marked with four blazes and twelve notches, and on the north side thereof, then running north thirty-six degrees west sixteen perches to another stone corner, then running south fifty-four degrees west ten perches to another stone corner, standing by the side of a black-oak sapling, marked with four blazes and twelve notches, then running south thirty-six degrees east sixteen perches to the beginning, within which bounds is contained one acre of land, be the same more or less.

A certain tract of land ceded to the United States, &c.

**2. And be it enacted,** That this state shall, and hereby doth, retain concurrent jurisdiction with the United States, over the said tract or piece of land, so far that process, civil and criminal, issuing under the authority of said state, may be executed in any part of the said tract or piece of land, or in any building thereon to be erected.

New-Jersey to hold concurrent jurisdiction over the same.

**C. Passed October 29, 1822.**

A further supplement to the act entitled, "An act for the relief of creditors against absconding and absent debtors," passed the eighth day of March, one thousand seven hundred and ninety-eight.

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the jurisdiction of justices of the peace, in cases of attachment under the act to which this is a supplement, be, and the same is hereby extended to any sum not exceeding fifty

Jurisdiction of justices of the peace extend.

dollars, subject, in every other respect, to all the provisions, limitations, and liabilities of said act, in relation to attachments for any sum not exceeding twenty dollars, any thing in the said act contained to the contrary notwithstanding.

A. & C. Passed November 28, 1822.

A further supplement to an act entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed the fifteenth of February, one thousand seven hundred and ninety-eight.

What prisoners may be discharged.

Proviso.

Prisoners in the yard to be classed.

Certain sections of former acts repealed.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the inspectors of the state-prison of this state, to discharge from confinement every offender now imprisoned, or who may be hereafter imprisoned in said prison, by the sentence of any court, as soon as the term of his or her imprisonment shall expire, upon the payment of the costs of prosecution and fine, (if any fine shall have been imposed by the court) provided, that they shall not discharge any person imprisoned as aforesaid, who labours under any acute or dangerous distemper, unless at his or her request, until he or she can be safely discharged; and further, that no person being so discharged, shall be liable for any charge which may have been made for his or her support or clothing, during his or her confinement in prison.

2. And be it enacted, That the prisoners in the yard be classified by the inspectors of the prison, and the greatest offenders be confined at night in the solitary cells, separately, so far as the vacant cells will permit.

3. And be it enacted, That the seventh and twentieth sections of the act to which this is a supplement, and so much of the second and eighth sections of the act entitled, "A supplement to an act entitled an act making provision for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety-eight, as comes within the purview of this act, be, and the same are hereby repealed.

A. Passed November 28, 1822.

**AN ACT to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this State, using a common road to the fast land, to support the same.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That in case the owners of any body or tract of salt marsh or meadow, where roads to the fast land have been or hereafter may be laid out by law, or have been and hereafter may be established by contract, or by the consent of the proprietors, cannot agree to support and keep the same in good and sufficient repair, it shall and may be lawful for two-thirds of the owners in value thereof, after giving three weeks previous notice of their intentions, and the time and place of meeting, by advertisements set up in three of the most public places in the neighbourhood, to meet and by a plurality of the votes of those so met, to choose such person or persons as they may think proper for manager or managers, treasurer, and clerk for the ensuing year, or until their next annual meeting; they shall likewise, at said first meeting, appoint three judicious and disinterested persons to value the marsh and meadow belonging to each individual using said road, having regard not only to the value of said marsh or meadow, but also to the comparative benefit that may be derived to the owner, from the road so contemplated to be improved.

When and how  
managers, &c.  
are to be chosen.

Measurement,  
plot, valuation,  
&c. to be  
made.

Duplicate to  
be delivered  
to treasurer.

Managers to  
keep road in  
repair, &c.

**2. And be it enacted,** That the manager or managers, when appointed as aforesaid, shall, as soon as may be, cause all the lots or parcels of marsh belonging to each owner, to be carefully and strictly measured, and a draught or plot to be made, shewing the quantity held by each owner, and the valuation made thereon, and shall thereupon make an estimate of the sum or sums of money, which will be necessary to defray the expenses of the different services required by this law, and also of making and keeping the aforesaid road sufficiently good for hauling hay over, and shall assess the same ratably on said marsh, and shall state the said assessment in a regular duplicate, containing the names of the owners or possessors; the number of acres and parts of acres held by each; the sums assessed on them severally, and the time or times of payment; which duplicate shall be delivered by him or them to the treasurer appointed as aforesaid; and it shall be the duty of the manager or managers to keep in repair the said road, from time to time, as he or they shall think necessary; and the said manager or managers shall be accountable for any moneys remaining in his or their hands at the end of every year, or at the annual meeting; and if the said manager or managers, shall refuse to pay such balance re-

maining in his or their hands, to his successor or successors in office, then such successor or successors shall sue for and recover the same in an action of debt, with costs of suit.

**3. And be it enacted,** That the treasurer, on receipt of said duplicate, shall in person or by notice in writing, left at the usual place of abode of each owner or possessor, demand of and from such owner or possessor, twenty days before the time of payment, the sums assessed as aforesaid: and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer, to seize and rent out by public vendue, to the highest bidder, for so long a time and no longer, as will be requisite, so much of the said marsh belonging to, or in the possession of, said delinquent owner or possessor, as may suffice to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same for the space of three weeks, in three of the most public places in the neighbourhood, where the said marsh lies, may be sold.

Meadows may  
be rented to  
pay assess-  
ment.

Managers,  
when to meet.

Their privi-  
leges, &c.

By-laws may  
be passed at  
annual meet-  
ings.

A new valua-  
tion may be  
made every  
ten years.

**4. And be it enacted,** That the owners and possessors of said marsh, shall meet annually, after their first meeting, on the first Monday in May, at such places as they shall, by a majority of those met, appoint.

**5. And be it enacted,** That it shall and may be lawful for the said manager or managers, and he or they are hereby authorized and empowered, from time to time, to dig and take for the purposes aforesaid, any earth, mud or sod, in any part of the said marsh most convenient and least detrimental to the owners thereof, and to have free ingress and egress, for himself or themselves, his or their team or teams and workmen, through any part of said marsh, whenever he or they may deem it necessary.

**6. And be it enacted,** That it shall and may be lawful for the owners and possessors of two-thirds of said marsh in value, at their annual meeting, to pass such by-laws respecting the pasturing of said marsh as a majority of those so met may think proper.

**7. And be it enacted,** That a new valuation or assessment may be had every ten years, if two-thirds of the owners in value and possessors deem it necessary.

C. & A. Passed November 18, 1822.

PUBLIC ACTS.

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A C T S

OF THE

48<sup>th</sup>

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-EIGHTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE.

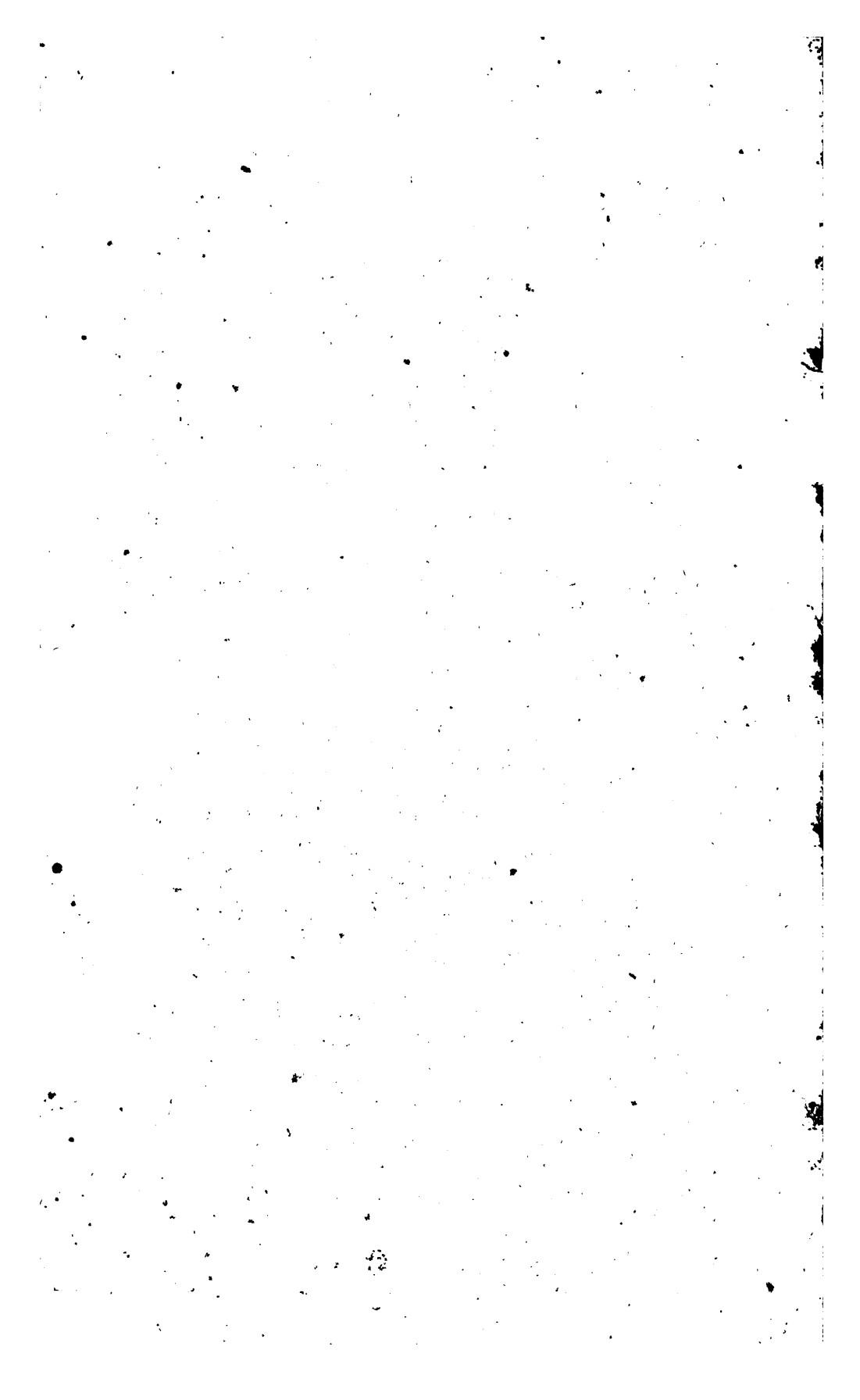


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Trenton:

PRINTED BY JOSEPH JUSTICE.

1823.



A C T S  
OF THE  
FORTY-EIGHTH  
GENERAL ASSEMBLY  
OF THE  
STATE OF NEW-JERSEY.

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**AN ACT** to abolish Imprisonment for Debt, in certain cases.

**WHEREAS** the confinement of debtors in gaol, who are arrested and intend to petition for the benefit of the insolvent laws of this state, during the time required to obtain their discharge, is unnecessary to the end of justice, tends to increase the distresses of those dependant on such debtors, and bring a charge on the public, and is oftentimes productive of habits which destroy any future exertion for themselves, their families, or creditors—**THEREFORE,**

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That any person or persons who may be arrested by any sheriff, constable, or other officer in any civil action, mesne process, or process of execution, and who intends or intend to apply to the judges of the Court of Common Pleas of the county in which such process is served, for the benefit of the act made for the relief of insolvent debtors, shall be discharged from arrest by such officer: *Provided*, such person or persons, so in custody, shall give bond to the plaintiff or plaintiffs, at whose suit he or they are arrested, with sufficient surety or sureties, being a freeholder or freeholders, and resident in the county, in double the sum for which he or they is or are arrested or taken in execution, with a condition, that he or they will appear at the

The body exonerated from imprisonment, &c.

*Proviso,*

next Court of Common Pleas, to be holden in the county, and petition the said court for the benefit of said act, and will, in all things, proceed on said petition and application as is required and directed in case of persons actually in gaol at the time of application, and as is required by the said acts; and that he or they will appear in person at every subsequent court, or time and place to which his or their application may be adjourned, until he or they shall be duly discharged under the said acts; and if refused a discharge, surrender himself or themselves, immediately thereafter, to the sheriff or keeper of the gaol of said county, there to remain until discharged by due course of law: and in case of a forfeiture of said bond, by breach of any condition therein, the said plaintiff or plaintiffs, his or their executors or administrators, may bring an action thereon, and recover the debt, damage, and costs due from said debtor or debtors, and for which the arrest was made as aforesaid.

2. *And be it enacted*, That any person or persons arrested as aforesaid, and having given such bond, shall be entitled to make application for his or their discharge, under the act aforesaid, at the next court, as fully as if, at the time of such application, he or they was or were actually confined in the gaol of said county.

3. *And be it enacted*, That where the sheriff, constable, or other officer has, upon any mesne process, discharged the defendant or defendants, on giving bond as aforesaid, he shall so return on the process to the court or justice issuing the same; and the plaintiff or plaintiffs may thereupon proceed to judgment and execution, as in other cases where the defendant is returned in custody: and where the sheriff or constable, or other officer, hath discharged any defendant or defendants on process of execution against the body or bodies as aforesaid, he shall so return to the court or justice out of which the same issued, which return, in either case, shall exonerate him from any liability for escape.

4. *And be it enacted*, That the sheriff, constable, or other officer taking such bond as aforesaid shall be entitled to receive for such service, of the defendant or defendants executing the same, the sum of fifty cents, which bond such officer shall deliver, or cause to be delivered, over to the plaintiff or plaintiffs, his or their executors or administrators, to be sued on in case of any breach of the condition thereof.

5. *And be it enacted*, That any conveyance, deed, mortgage, judgment, sale, transfer, assignment, or other disposition made, given, or executed by the said debtor, of, for, or upon any of his estate, real or personal, to any person, after the said arrest, shall, as against his creditors, or any assignee or assignees, to be appointed by the said court, under the fifth section of the act to

which this is a supplement, be void and of no effect; and such assignee or assignees may recover the said estate, real or personal, or the value thereof, in their own name or names, for the use of said creditors, in any proper action to be instituted therefor against any person who may have purchased or in any manner come to the possession thereof, after the giving of the said bond, with costs of suit.

C. Passed December 11, 1823.

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A SUPPLEMENT to an act, entitled "An act against Usury," passed the eighth day of February, one thousand seven hundred and ninety-seven.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the fourth day of July next ensuing, no person shall, upon any contract, take, directly or indirectly, for loan of any money, wares, merchandise, goods or chattels, above the value of six dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or less sum, or for a longer or shorter time.

2. And be it enacted, That the several sections and provisions in the said act to which this is a supplement, concerning the rate of interest therein mentioned and allowed, shall be deemed and taken to be in force, and apply after the fourth day of July, as aforesaid, to the rate of interest herein mentioned and allowed, and as if six per centum and not seven per centum per annum was mentioned as the rate of interest in the said several sections and provisions: *Provided always*, that nothing in this act contained shall be construed to impair the obligation of any contract made before the fourth day of July, as aforesaid, for the loan of any money, wares, merchandise, goods, or chattels, or the interest taken, reserved, due, or growing due thereon; but as well any such contract of loan as any other contract made before the said fourth day of July, and the interest reserved or to be allowed or taken thereupon, shall be and remain and continue as if this act had not been passed.

C. Passed December 5, 1823.

**A SUPPLEMENT** to an act, entitled "An act to establish a new township in the county of Salem, to be called the township of Centreville."

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the west line of the township of Centreville shall begin near the houses of Jacob Niekirk and Jonathan Jagers, at the corner of the line of Salem and Cumberland, and shall run from thence, continuing the course of said line between the counties of Salem and Cumberland, to the line of the county of Gloucester.

**2. And be it enacted,** That the township committees of the townships of Pittsgrove and Centreville shall meet on the first Monday in January next, at the inn of Isaac Johnson, at ten o'clock in the forenoon, and shall then and there in writing, under the signatures of a majority of those present, allot and divide between the townships of Pittsgrove and Centreville the taxes now due to the said township of Pittsgrove, from the inhabitants residing within the limits of the said township of Pittsgrove, and by this act annexed to the township of Centreville; and the proportion of taxes so assigned by such allotment to the said township of Centreville, in writing as aforesaid, shall become due and payable to the said township of Centreville, and shall be collected by the collector of said township, agreeably to law.

**3. And be it enacted,** That so much of the act to which this is a supplement as comes within the purview hereof, be, and the same is hereby repealed.

C. Passed November 19, 1823.

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**AN ACT** to regulate the fisheries in Mulica's River.

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, it shall not be lawful for any person to erect, fasten, or fix any fish-weir, hoop-nets, seine, or other device for the purpose of catching fish, across any part of Mulica's River, so as to prevent a free passage of fish between the mouth of said river and a station known by the name of Mapp's creek: and if any person shall offend against this act, he or she shall forfeit and pay, for every such offence, ten dollars, to be sued for and recovered in the name

[See note of proviso P.L. 1865 C 3 p 18]

[Collector or treasurer of the County P.L. 1865 C 3 p 18]

51.

of any person who shall make complaint thereof, and, when recovered, to be applied, the one half to the overseers of the poor of the township where the said offence shall be committed, for the use of the poor of the said township, and the other half to the person who shall sue for the same.

C. Passed December 2, 1823.

A SUPPLEMENT to an act, entitled "An act concerning Idiots and Lunatics," passed the twenty-eighth of February, one thousand eight hundred and twenty.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, if any lunatic person, who is furiously mad, or dangerous to be permitted to go at large, shall be found within any county of this state, whose last legal place of settlement is not known, or cannot at the time be ascertained, it shall and may be lawful for any two justices of the peace in and for said county, by warrant under their hands and seals, directed to some one or more of the constables or overseers of the poor of the city or township within such county, to cause such person to be apprehended and conveyed to any place provided in said county for the reception of maniacs or lunatic persons, and in case no such place be provided in such county, to be conveyed to the gaol of said county for safe keeping: and it shall be the duty of the sheriff of such county, and he is hereby required to receive into his custody such lunatic or mad person, and safely to keep him or her until the last legal place of his or her settlement shall be ascertained, and in case no such settlement can be discovered, then until some order on the subject shall be taken by the Court of Common Pleas, whose duty it shall be to decide thereon.

How lunatics  
may be dis-  
posed of.

2. And be it enacted, That all reasonable charges and expenses, accruing in the removal, maintaining, and keeping any lunatic or mad person, agreeably to the provisions contained in the foregoing section, shall be paid and satisfied by the county wherein such person shall have been apprehended: Provided, that if the last legal place of settlement of such lunatic or mad person shall be discovered and ascertained, then and in that case the charges and expenses aforesaid shall be reimbursed to the county where such expenses may have occurred, by the city or township where such settlement may be.

3. And be it enacted, That so much of the ninth section of the act to which this is a supplement as comes within the purview of this act, be, and the same is hereby repealed.

C. Passed December 2, 1823.

**AN ACT** directing the manner of appointing Prosecutors of the Pleas of the State in the several counties thereof.

**Preamble.**

WHEREAS the present mode of appointing prosecutors of the pleas for the state of New-Jersey is liable to abuses, and tends to the great injury of the state, by the choice, in many instances, of incompetent persons, and is also contrary to the rights of the people, by taking away from them; or their representatives in Assembly, the election of public officers, and vesting the same in justices of the peace—THEREFORE, to remedy these and other injurious consequences,

**Prosecutors of  
the pleas, how  
appointed, &c.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That hereafter there shall be appointed, by the Council and Assembly of this state, in joint-meeting, some one fit person for each county, (and who shall be an attorney and counsellor at law) whose duty it shall be to prosecute the pleas of the state in such county, in the absence of the attorney-general, and further to do and perform such acts and things in behalf of the state, in and about such prosecutions as the said attorney-general might, or ought to do, if he were personally present; which said prosecutor shall be appointed for five years, and be commissioned by the governor, or, in his absence, by the vice-president; provided that the said prosecutor shall be liable to be dismissed, when adjudged guilty of misbehaviour, on an impeachment of the Assembly.

**Oath of office.**

2. And be it enacted, That every prosecutor of the pleas as aforesaid, before entering upon the duties of his office, shall take and subscribe, before the clerk of the county of which he has been appointed, or before one of the judges of the Court of Common Pleas for such county, the following oath or affirmation, viz: I, do solemnly promise and swear, (or affirm, as the case may be) that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state, in and for the county of to the best of my abilities and understanding. So help me God.

**Fees, &c.**

3. And be it enacted, That the said prosecutors shall, severally, during the continuance of their appointments, be vested with the same powers, subject to the same penalties, and entitled to the same fees for services, in the absence of the attorney-general, within their respective counties, as the attorney-general is or shall, by law, be vested with, or subject or entitled to.

4. And be it enacted, That in case of the absence of the attorney-general and of the prosecutor as aforesaid, at any term of the Court of Common Pleas and General Quarter-Sessions

of the Peace in any county, it shall be lawful for the judges and justices of such court to appoint some fit person to prosecute the pleas of the state, during said term, who shall take the oath, be vested with the powers, entitled to the fees, and subject to the penalties as above prescribed, allowed, and imposed, in respect of the person who shall have been appointed by the Council and Assembly in the joint-meeting as aforesaid.

Judges, &c.  
may appoint  
in certain  
cases.

*5. And be it enacted,* That the second section of the act, entitled "An act to repeal an act respecting deputies to the attorney-general, and to provide for the appointment of prosecutors of the pleas of the state, in the several counties," passed November the ninth, one thousand eight hundred and twenty-two, shall be, and the same is hereby repealed, and the appointment of any prosecutor of the pleas, as aforesaid, under and by virtue of the said section, shall cease and determine: *Provided nevertheless*, that until a prosecutor of the pleas shall be chosen and appointed in any county, in the manner in this act directed, all acts done and performed by any prosecutor of the pleas as aforesaid, in pursuance of his authority, under his said appointment, in virtue of the said second section, shall be as valid as if this act had never been passed.

What repeal.  
ed.

Proviso.

C. Passed December 11, 1823.

### AN ACT respecting Trustees.

WHEREAS inconvenience and expense often arises from the death of trustees appointed by last will and testament, or from their neglect or refusal to act—in remedy whereof,

*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, when any trustee, appointed by last will and testament, shall neglect or refuse to act, or shall die before the execution and completion of the trust so committed to him, the Orphans' Court of the county where such testator resided at the time of his death, shall have full power and authority to appoint some suitable person or persons to execute such trust; and the said court are hereby authorized and required to demand and take from such trustee or trustees, a bond, with one or more freehold sureties, conditioned for the due performance of the said trust; and the trustee or trustees so appointed shall have and possess all the power of the said trustee, or trustees neglecting, refusing, or dying aforesaid: *Provided always*, that nothing in this act contained shall

be so construed as to authorize the said court to supply any vacancy arising from the death, or refusal to act, of any executor, otherwise than they have been heretofore enabled by law to do.

C. Passed November 29, 1823.

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A further supplement to an act, entitled "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," and the act, entitled "An act to ascertain the power and authority of the ordinary and his surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state."

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the court, justice, justices, or judges, who may have appointed, or shall hereafter appoint commissioners to make partition of lands in the manner prescribed in the act or acts to which this is supplementary, or either of them, to supply the place of any commissioner or commissioners so appointed who have died or removed out of this state, or shall hereafter die or remove out of this state; and the commissioner or commissioners thus newly appointed, being duly sworn or affirmed, as the law requires, shall be vested with all the authority and power, and his or their act or acts shall be as valid and effectual, to all intents and purposes, as if he or they had been originally appointed under the act or acts to which this is supplementary.

C & A. Passed November 28, 1823.

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#### AN ACT establishing an Independent Regiment of Horse Artillery.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the troop of horse artillery commanded by Captain James C. Vandyke, and the troop of cavalry commanded by Captain John Gulick, junior, as soon as they shall be organized and equipped as horse artillery shall be, and they are hereby

set off and formed into one squadron; and the troop of horse artillery of Elizabeth-Town, commanded by Captain Elias Dayton Ogden, and the troop of cavalry of Woodbridge, commanded by Captain Beverly Crowell, as soon as they shall be organized and equipped as horse artillery, shall form one squadron, in like manner, which two squadrons shall form one regiment, styled "The First Regiment of Horse Artillery." The field officers of the regiment shall organize squadron courts of appeal; each squadron court of appeal shall be composed of the colonel, major, senior captain, and surgeon, and shall be invested with all the powers of a battalion court of appeal and brigade board, so far as are absolutely necessary for the good order of the regiment, and authorized to receive and appropriate all fines incurred in said squadron, and to vary the days of exercise, and time of holding their courts of appeal. The commanding officer shall report annually, to the adjutant-general, the armament, state, and condition of the regiment, and in all other respects shall be regulated and subject to the militia laws of this state.

A. Passed December 5, 1823.

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**A SUPPLEMENT** to the act, entitled "An act for the preservation of Clams and Oysters," passed on the ninth day of June, eighteen hundred and twenty."

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owner or owners, or any person or persons, having a license, in writing, from the owner or owners of meadow or other lands, which are opposite or contiguous to flats which are at any time bare, or coves upon or within which flats or coves there have not been heretofore any natural oyster beds, along the shores of such parts of the Newark Bay and Staten-Island Sound, as lie within the township of Elizabeth, to plant and lay clams, oysters, or other shell-fish upon, within, or above such flats and coves, and one chain beyond the same: *Provided* the clams and oysters thus planted shall be enclosed and designated by stakes placed beyond them within the prescribed limits, not less than six rods apart, and of such length as to be at least two feet above ordinary high water: *And provided also*, that this act shall not be so construed as to take away, or in any wise impair the common rights of citizens to any natural oyster beds which may be embraced by the boundary in the said act specified.

*2. And be it enacted,* That any person or persons who shall gather or take away any oysters or clams upon, above, or within the limits aforesaid, without permission first had and obtained from such owner or owners, person or persons, occupying under such owner or owners as aforesaid, shall be liable to the same forfeitures and the like suits for damages, to be recovered and sued for in manner as is directed and provided in the thirteenth section of the act to which this is a supplement.

*3. And be it enacted,* That nothing in this act shall prevent the legislature from the repeal, or modification of the same, at their pleasure.

C. & A. December 8, 1823.

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A further Supplement to the act, entitled "An act to incorporate the Medical Society of New-Jersey."

*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That every physician, surgeon, quack, or mountebank doctor who shall practice or attempt to practice physic or surgery, or shall sell or attempt to sell any drugs or medicines of any kind in this state, without such license or certificate as is mentioned and required in the fourth section of the act to which this is a supplement, shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered, with costs of suit, in any court having cognizance of the same, one half to the use of the person who will prosecute the same to effect, and the other half to the use of the poor of the town, city, or borough where the said offence may have been committed: *Provided always,* that nothing in this act shall prevent or in any way interfere with the practice of the persons mentioned in the proviso annexed to the said fourth section of the act to which this is a supplement: *Provided also,* that nothing in this act shall be construed to prevent any merchant, shopkeeper, or apothecary, resident, or who shall be resident in the state, from selling drugs or medicines out of his store or shop.

*2. And be it enacted,* That the sixth section of the act to which this is a supplement, be, and the same is hereby repealed.

C. & A. Passed November 28, 1822.

**A SUPPLEMENT** to the "Act directing the appointment of Surrogates," passed November the twenty-eighth, one thousand eight hundred and twenty-two.

WHEREAS in some of the counties of this state, surrogates have since the aforesaid act, exercised and performed the duties of their offices, by virtue of their appointments by the ordinary or surrogate-general: AND WHEREAS doubts exist, whether the acts of such surrogates done and performed after the passage of said law are valid—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the acts and proceedings of such surrogates, respectively, in the several counties, done and performed since the twenty-eighth day of November, one thousand eight hundred and twenty-two, or which shall hereafter be done and performed by either of them, before any appointment already or hereafter to be made by joint-meeting for any such county, shall be, and the same are hereby declared to be as valid, to all intents and purposes, as if the said act, to which this is a supplement as aforesaid, had not been enacted.

C. & A. November 26, 1823.

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**A SUPPLEMENT** to the act concerning Taxes.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the assessors of the different townships in this state, at their annual meeting, in addition to what is required of them in the fourth section of the act to which this is a supplement, to designate, in separate columns in the abstract, the amount of quotas, if any, of county, poor, and road tax, to be assessed and collected in the different townships, to be laid annually before the legislature; also the number of taxable inhabitants in each township; and that so much of the fifth section of the act, entitled "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, as makes it the duty of the several assessors to deliver a transcript or duplicate to the county collector, within fifteen days after the annual meeting of the board of assessors, be, and the same is hereby repealed.

2. And be it enacted, That it shall be lawful for the said as-

sessors to commence taking an account of the ratable property in the several townships, from and after the twentieth day of May, in each year, any thing in the first section of the act to which this is a supplement to the contrary notwithstanding.

3. *And be it enacted*, That before any constable shall collect any tax by distress and sale of timber, wood, herbage, or other vendible property, according to the thirty-third section of the act to which this is a supplement, it shall be his duty to put up notices of such sale in five of the most public places in the township where the premises are, at least twenty days previous to such distress and sale.

4. *And be it enacted*, That it shall and may be lawful for the purchaser or purchasers of any timber, wood, herbage, or other property, so as aforesaid, to enter upon the premises for the purpose of conveying away the property by him purchased, for the space of two months next after the day of sale, and no longer.

5. *And be it enacted*, That if any person or persons shall enter upon said premises for the purpose of cutting or conveying away any timber, wood, herbage, or other property, after the time allowed in the fourth section of this act shall expire, he or she so offending shall be guilty of trespass, and, on conviction, shall be fined in any sum not less than twenty dollars, or exceeding one hundred, to be prosecuted and recovered by the owner or owners, in any court of competent jurisdiction.

A. Passed December 10, 1823.

#### **AN ACT to reduce Fees and Costs of Suit, and for other purposes.**

**Names of defendants residing in one county to be inserted in one process.**

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the names of all defendants in any suit or case, who are resident in the same county where process is to be served by any sheriff, coroner, or other officer, shall be inserted in one process.

**Proceedings on foreclosure of a mortgage.**

2. *And be it enacted*, That where a bill shall be filed, or any mortgage or instrument in the nature thereof, for a foreclosure or sale of the premises contained in the same or any part thereof, and the complainant or complainants shall deem it expedient to make any person or persons a defendant or defendants therein, other than the mortgagor, his heirs, executors, administrators, or assigns, such complainant or complainants shall, with the subpoena to be issued against such other defendant or de-

defendants, cause to be issued a ticket, in writing, shortly making known for what cause he, she, or they are subpoenaed to answer, which ticket shall be, by the officer serving the subpoena, left with the defendants or defendants, at the time of such service; and no charge be made therefor.

**3. And be it enacted,** That no fees shall be allowed to the clerk in Chancery for attending the court on argument or hearing, with the pleadings or papers in the cause, or reading any pleadings or papers in the same; and that, for commissions for moneys paid in the Court of Chancery or any other court, and lodged with the clerk by order of the court, such clerk shall be allowed, on any amount not exceeding one hundred dollars, one per centum, if over one hundred, and not exceeding one thousand dollars, one half per cent. on such excess, and if exceeding one thousand dollars, one quarter per cent. on such excess:

**4. And be it enacted,** That there shall be allowed, in the taxation of cost, for the declaration filed in any cause, the sum of one dollar, fifty cents, and for a copy of the same, seventy-five cents, and no more.

**5. And be it enacted,** That on every subpoena or attachment, or any mesne process issuing out of the Court of Chancery, on every attachment, summons, capias ad respondentum, ejectment, or any mesne process, issuing out of the Supreme Court, or any Court of Common Pleas, and on every citation, attachment, or any mesne process issuing from the Prerogative Court or Orphans' Court of any county, or by the surrogate of any county, the sheriff or other officer serving such process shall, for the first defendant or party on whom such process is served, be allowed the sum of two dollars, and for service on a second defendant named therein, one dollar and fifty cents, and such mileage on such services as is allowed in the "Act to regulate fees," passed thirteenth June, one thousand seven hundred and ninety-nine, and for serving such process on any other defendant or defendants therein named, the sum of fifty cents each, and no more; and if a man and his wife be named in such process, they shall be understood as one defendant, and no mileage shall be allowed but on one or two services, as the case may be, as aforesaid.

**6. And be it enacted,** That on every process of execution, the sheriff shall, for serving the same, and making an inventory and return, be allowed one dollar, and where, on any such execution, a sale is made by such officer, or by a master in Chancery, by authority of the chancellor, such sheriff or master shall be allowed, on the amount of sales, as follows, to wit, on any sum not exceeding one thousand dollars, two per cent. on the amount, and if the amount of sales exceeds one thousand dol-

No fees to be allowed clerk in chancery for attending with papers, &c.

Commissions to be allowed clerk in chancery.

Fees for declaration and copy.

Fees on serving process in the different courts.

Fees of sheriff and master in chancery.

**Proviso.** lars, then one per cent. on such excess: *Provided*, that in all cases where such execution shall be settled between the parties without actual sale, and such settlement is produced to the officer, such officer shall be allowed and paid, on any sum or portion of the debt, not exceeding one thousand dollars, at the rate of one per cent. by the plaintiff; and where, in such case, the debt exceeds one thousand dollars, then one half per cent. on such excess: *Provided also*, that the plaintiff, on such settlement, shall also pay the execution fees incurred before the settlement.

**Duty of sheriffs, &c. in cases of sales.** 7. *And be it enacted*, That in case of a sale on execution, made by a sheriff, under-sheriff, or coroner, he shall, within thirty days thereafter, file in the clerk's office of the county where such sale was made, a true statement and calculation, in order of time of the execution or executions in his hands, upon which such sale was made, and the amount due thereon, respectively, at the time of such sale, mentioning the time or times of sale, as also the amount of sales, certified under his hand, together with his bill of costs or execution fees, for which service he shall be entitled to one dollar, and on failure thereof he shall be liable to pay to the defendant or defendants whose property was sold, his, or their executors or administrators, the sum of fifty dollars, and to the plaintiff or plaintiffs, on every execution in his hands, or to his or their executors or administrators, the sum of fifty dollars: *Provided nevertheless*, that such statement, so filed, shall not be conclusive against any person other than such officer: *And provided*, that if there be more sales than one, such statement shall be made and filed within thirty days after the final sale.

**Taxation of bills of cost.**

8. *And be it enacted*, That every judge, clerk, or other person, who by law now is, or hereafter shall be directed or authorized to tax any bill of costs or fees, shall, in such bill, class and set together those which appertain and belong to the courts or justices, or judges, clerk, attorney and counsellor, sheriff, and other person or persons, distributively, by not intermingling the same, as heretofore.

**Repealing clause.**

9. *And be it enacted*, That so much and such parts of any act or acts of the legislature as come within the purview of the several provisions in this act made, and are contrary thereto, be, and the same are hereby repealed.

C. Passed December 12, 1823.

**AN additional Supplement to "An act establishing a Militia System."**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That it shall be lawful for the respective brigade boards, at their discretion, upon application made to them, by any number of uniform companies competent to form a battalion, squadron, or regiment, to set off said uniform companies into an independent battalion, squadron, or regiment, as the case may be.

**2. And be it enacted,** That it shall be the duty of the respective brigade inspectors, in the annual returns required from them, to make a particular statement of the troops and companies in uniform, their arms and equipments; likewise the arms and equipments, if any, belonging to the state, which may have been loaned to the brigade, or to any troop or companies within the bounds thereof, or that may have been purchased with money arising from fines of exempts, or others, within the respective brigades.

**3. And be it enacted,** That all fines imposed upon the members of any uniform troop or company, under the provisions of the act to which this is a supplement, be, and they are hereby appropriated to the use of such uniform troop or company, and the battalion paymaster is hereby directed to pay the same, when collected, after deducting therefrom the expenses of the troop or company court, into the hands of the respective commanding officers, for that purpose.

C. & A. Passed December 11, 1823.

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A further Supplement to an act, entitled "An act making lands liable to be sold for the payment of debts," passed the eighteenth of February, seventeen hundred and ninety-nine.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That when any Orphans' Court in this state shall order and direct any executor or administrator to sell any lands, tenements, hereditaments, or real estate of any testator or intestate, it shall and may be lawful for the said Orphans' Court, at their discretion, to take of the respective executor or executors, administrator or administrators, applying for such order, sufficient bonds, with two or more able and sufficient sureties, being resi-

dents in the county, to the ordinary of the state and his successors, in a penalty double the amount of the estimated value of the lands, tenements, hereditaments, or real estate ordered to be sold, with condition in form and manner following, to wit:— The condition of this obligation is such, that if the above bound A. B., executor of the last will and testament of C. D., deceased, (or administrator of all and singular the goods, chattels, and credits of C. D., deceased, as the case may be) shall well and truly administer the moneys arising from the sale of any lands, tenements, or real estate of the said C. D., directed by the order of the Orphans' Court of the county of M. to be sold according to law; and further do make, or cause to be made, a just and true account of his administration, within twelve months from the date of the above obligation; and the surplus of money which shall be found remaining upon the account of such sale or sales, the same being first examined and allowed of by the judges of the Orphans' Court of the county, or other competent authority, shall distribute and pay unto such person or persons respectively, as is, are, or shall be by law entitled to receive the same; then the above obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

2. *And be it enacted,* That all bonds given by executors or administrators and their sureties, in pursuance of this act, shall be good, to all intents and purposes, and pleadable in any court of justice; and in case such bonds shall become forfeited, it shall and may be lawful for the ordinary to cause the same to be prosecuted in any court of record, at the request of any party grieved by such forfeiture; and the moneys recovered upon such bond shall be applied towards making good the damages sustained by the not performing the said condition, in such manner as the judge of the Prerogative Court shall, by his sentence or decree, direct; and further, that it shall and may be lawful to and for the judges of the Orphans' Court of the respective counties in this state, after such executors or administrators shall have legally accounted for and touching the sale or sales of the said lands, tenements, hereditaments, and real estate of the person so deceased, to order a just and equal distribution of the surplus, after debts and just expenses of every sort first allowed and deducted, among the heirs or devisees to whom the lands, tenements, hereditaments, and real estate so sold, descended, or were devised according to the law of descents, in the former, and the will of the testator in the latter case, and the same distribution to decree and settle; and the person entitled to such distribution shall have their remedy at law, in case of non-payment, for the recovery of the same against the executor or executors, administrator or administrators so accounting, saving to every one, supposing him, her, or themselves aggrieved, his, her, or their right of appeal.

*3. And be it enacted,* That where the Orphans' Court of the proper county has made, in order to shew cause, as is mentioned in the nineteenth section of the act to which this is a supplement, either on the application of the said executor or administrator, or of a creditor or creditors, as is directed in the twentieth section of the act, entitled "An act to ascertain the powers and authority of the ordinary and his surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state," passed thirteenth June, eighteen hundred and twenty, if the said executor or administrator shall, at the term mentioned in the said order, neglect or refuse to give bonds, with sureties, as aforesaid, then, and in every such case, the said court shall forthwith, by sentence, revoke or repeal the letters testamentary or letters of administration of such executor or administrator neglecting or refusing, and thereupon the surrogate shall grant letters of administration or letters testamentary with the will annexed; to such person or persons having right thereunto, as will give bonds in manner and form aforesaid, who may have every lawful and proper action against such removed executor or administrator, to recover the amount of all moneys, assets, goods, or chattels received by such removed executor or administrator, and not applied according to law, as well as all damages done or committed by such executor or administrator, in respect of the estate in his hands: *Provided*, that this act shall not go into operation until the first day of July next.

**A. Passed December 11, 1823.**

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**AN ACT for arranging, repairing, and preserving the public arms and accoutrements.**

*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be the duty of the quartermaster general to cause to be constructed in the room of the state-house occupied as an arsenal, such additional racks as the same will conveniently contain, for the arrangement of the arms lately received from the United States; also to fit and prepare the adjoining room, upon the north side, for the same purpose, previously causing it to be lathed and plastered.

*2. And be it enacted,* That it shall be the duty of the quartermaster general to cause the arms heretofore in the arsenal to be repaired, cleaned, and oiled, in a workmanlike manner; and to clean and oil the accoutrements in the attic story, as far as the same may be necessary.

*3. And be it enacted,* That the governor of this state be authorized to settle the accounts that may accrue under the provisions of this act, and to draw upon the treasurer of this state for such amount as may be necessary to satisfy the expenses thereof, and that he render an account to the legislature, at their next session.

*4. And be it enacted,* That it shall be the duty of the quartermaster general, hereafter carefully to compare the returns made by the respective brigade inspectors, of the number and condition of public arms and equipments, in the respective regiments inspected, with the number actually loaned to such regiment; and if the number does not fully appear on the respective returns, or their good condition is not manifested, the said quartermaster general shall, as soon as may be, cause the public arms and equipments of such regiment to be returned to his care: he is also authorized to cause all such arms belonging to the state, deposited in any place, or in possession of any person or persons not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments returned in pursuance of this act, separate from those now in the arsenal; and it shall be the duty of the quartermaster general, on the first week of every session of the legislature, to lay before them a particular return of all the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all the camp equipage in his charge; and the quartermaster general is authorized to require, from the respective brigade inspectors, such particular returns as may give every information requisite fully to carry this section into effect.

C. & A. Passed December 11, 1823.

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**A SUPPLEMENT** to the act, entitled "An act constituting an Independent Battalion in the town of Newark," passed November twenty-sixth, eighteen hundred and twenty-two.

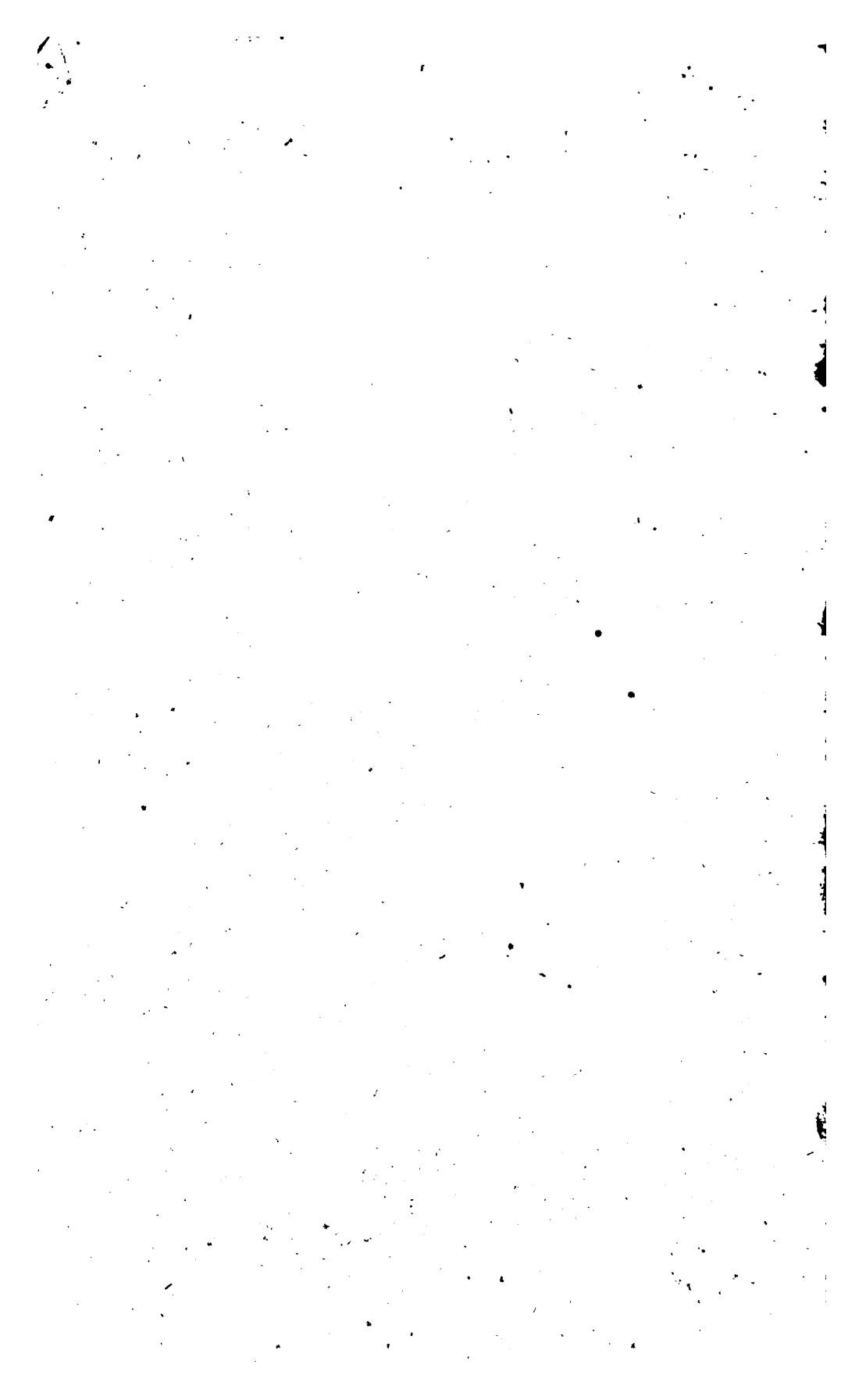
*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the first section of the act to which this is a supplement, shall be construed as to authorize a troop of horse to be attached to the battalion, which shall not be required to do common militia duty, except with the battalion.

A. Passed December 3, 1823.

**A further Supplement to the act, entitled "An act constituting  
an Independent Battalion in the town of Newark."**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the moneys annually collected from fines imposed on delinquents in the said battalion be appropriated to the uses and purposes of the said battalion, under the direction of the battalion court of appeals, with whom the paymaster shall annually settle his accounts: and that the president of the said court shall annually make a specific report to the adjutant-general of this state, of the manner and the purposes for which the said moneys shall be disbursed, which report shall be subject to the inspection of the legislature.

**A. Passed December 9, 1823.**



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**Acts**  
Public and Private  
OF THE  
**FORTY-NINTH**  
**GENERAL ASSEMBLY**

OF THE

**State of New-Jersey,**

AT A SESSION BEGUN AT TRENTON, THE TWENTY-EIGHTH DAY OF  
OCTOBER, ONE THOUSAND EIGHT HUNDRED AND  
TWENTY-FOUR.



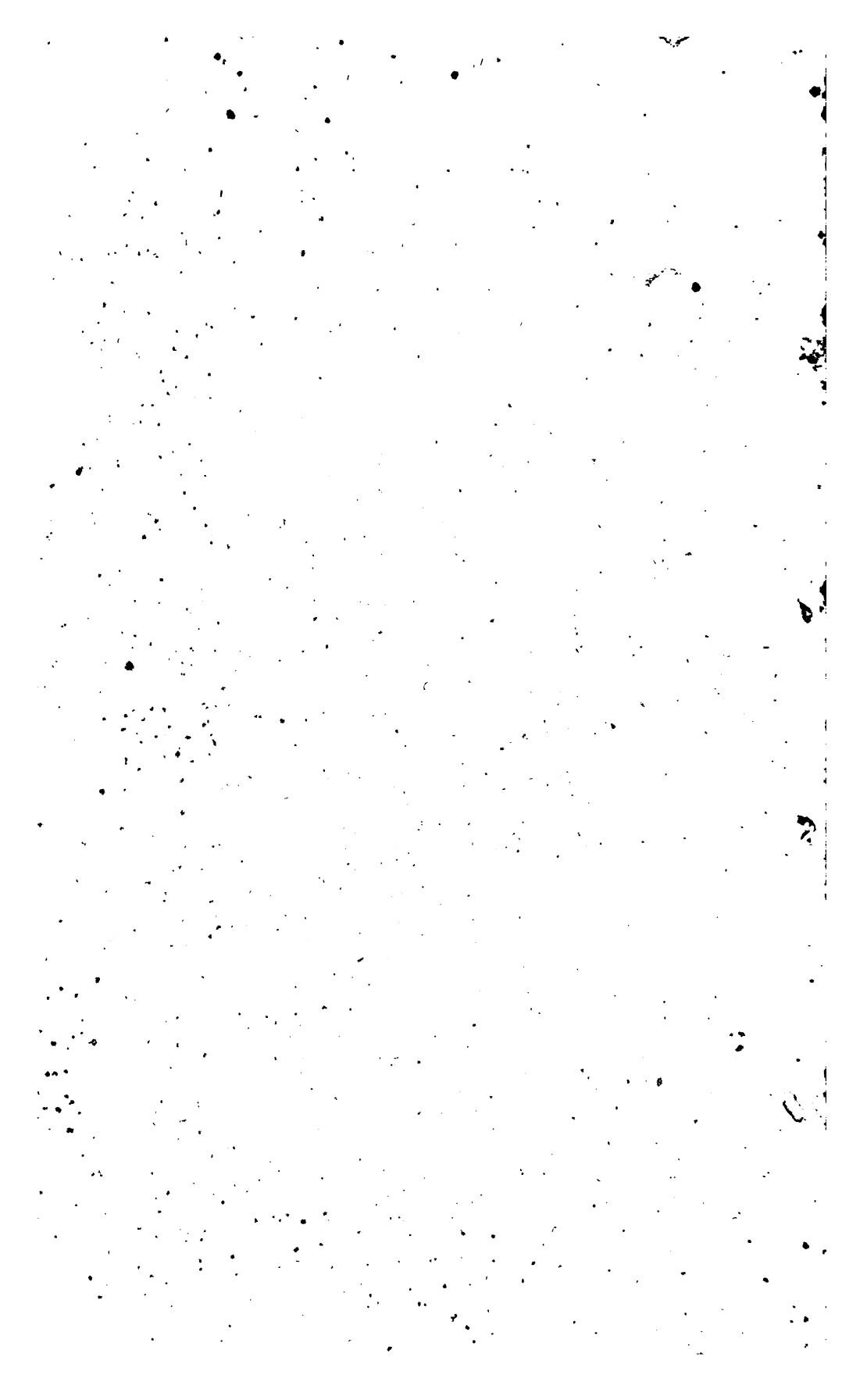
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**1824.**



**Acts**  
OF THE  
**FORTY-NINTH**  
**GENERAL ASSEMBLY**  
OF THE  
**State of New Jersey.**

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**AN ACT to extend the Charter of the Bank of New Brunswick.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled, "An act to erect and establish a Bank in the City of New Brunswick," passed the fourth day of December, in the year of our Lord one thousand eight hundred and seven, be, and the same is hereby extended, and limited to the third day of December, in the year of our Lord, one thousand eight hundred and thirty-nine.**

**A. Passed November 2, 1824.**

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**AN ACT to authorize Andrew Howell and John A. Auten, administrators of the estate of John Warberton, deceased, to sell the real estate of the said deceased.**

**WHEREAS, it appears that John Warberton, a native of Great Britain, late of the county of Somerset, died February, one thousand eight hundred and twenty-three,**

at Bridgewater, in said county, that said deceased hath not left heirs nor relations in this country, and that the next of kin of the said John Warberton, deceased, reside in the county of Leicester, in the Kingdom of Great Britain. And whereas aliens cannot realize their right to real estate in this state without the aid of the Legislature.—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Andrew Howell and John A. Auten, administrators of the estate of the said John Warberton, deceased, be, and they are hereby authorized and empowered to sell the real estate of said deceased, after advertising the same for two months in five of the most public places in the county, and in one of the newspapers of said county, consisting of about forty acres, situate in the county of Somerset, and to make a good title for the same to the purchaser or purchasers thereof, and to remit the proceeds of the same to the right heirs of the said John Warberton, deceased, or their legal representatives.

A. Passed November 11, 1824.

AN ACT to incorporate the Managers of the School Fund for the Education of Youth in the City of Burlington.

Time of election and qualification of voters.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That on the first Tuesday of December, in the present year, and between the hours of two and five o'clock in the afternoon of the said day, there shall be chosen, at the City Hall of the said city of Burlington, by such citizens of the said city as are qualified to vote at a town meeting under the laws of this state, seven persons, being citizens of the said city, as managers of the school fund for the education of youth within the same; which said election shall be by written or printed ballots, or partly written and partly printed; and the person so chosen, shall continue in office until the first Tuesday of December, in the year of our Lord one thousand eight hundred and twenty-seven; on which said last mentioned day, and so, on the first Tuesday of December, every three

years thereafter, a like election shall be holden at the same place, or at such other place in the said city, where the last be chosen for town meeting was holden, and between the same hours of three years. Managers to the day, and in manner aforesaid, for the choice of seven persons, citizens as aforesaid, to be managers of the said school fund for three years next following their election as aforesaid ; which said managers and their successors, chosen triennially as aforesaid, are hereby constituted a body politic and corporate in fact, name and law, to all intents and purposes for ever, and shall be called and known by the style of the name of "The Managers of the School Fund for the Education of Youth in the City of Burlington;" and by that name they shall have perpetual succession.

2. *And be it enacted,* That by such name as aforesaid, the said managers and their successors, shall become seized, invested with, and possessed of all such real and personal estate, or the rents, issues and profits thereof, or any interest therein, which doth or shall belong unto or constitute any part or portion of the aforesaid school fund : And by such name they shall forever hereafter hold, possess and enjoy the same : And also, shall, by the like name for ever thereafter, be authorized, in law, to purchase, take, hold, receive and enjoy any lands, tenements or hereditaments, in fee simple or otherwise, by the gift, alienation or devise, of any person or persons, able to grant or devise the same ; and also goods, chattels, legacies and donations granted and given to said managers for the use aforesaid, of what kind or quality soever, so that the yearly value of said real and personal estate doth not exceed five thousand dollars ; and also that the said managers and their successors, by the name aforesaid, shall, and may have power to grant, convey, lease, assign or otherwise dispose of, all or any of their lands, tenements or hereditaments, goods, chattels and personal estate whatsoever, as to them shall seem meet, for the uses and benefit of the school fund for the education of youth as aforesaid : *Provided,* That the managers so chosen for the term of any three years as aforesaid, shall not be authorized to sell or convey in fee simple, the Matinicunk Island, or any part thereof, or any of the real estate belonging to the said school fund, without the consent of the citizens of the said city, qualified as aforesaid, in a town-meeting duly convened for the purpose of deciding on the same, in the manner pointed out in the fifth section of this act ; nor shall the said managers make any lease of the real estate belonging to the said school fund, or any part thereof, to continue

longer than until the twenty-fifth day of March in the year ensuing the expiration of their term of office; as aforesaid; and provided also, that at any annual or special meeting of the said managers, no lease, bargain, contract or disposition, whatsoever, shall be entered into, made or concluded upon, of or concerning any property, real or personal, belonging to the said school fund, unless there be present and assenting thereto, at least four of the managers of the said school fund, for the time being; and also, that the said managers and their successors, by the name aforesaid, shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of judicature whatsoever; and also, that the said managers and their successors shall and may make, and for ever thereafter have and use, a common seal, with such device or devices as they shall think proper, for sealing all and singular deeds, contracts and other writings, touching and concerning the said corporation, and may, as often as they shall think fit, alter and new make the same, or any other their common seal.

*3. And be it enacted,* That it shall and may be lawful for the managers elected as aforesaid, and their successors, from time to time as they may find it necessary or expedient, to choose a president, being one of the said managers, and such other officers and assistants as may be requisite for the keeping and preserving of the goods and chattels, moneys, books, charters, deeds, writings, and accounts of the said corporation; which said president shall keep in his custody, the common seal, and shall have power from time to time, and at all times hereafter as occasion may require to call a meeting of the said managers, at such convenient place in the said city, as he shall think proper, for the execution of all or any of the powers hereby given them; and in case of sickness, absence or death of the president, all the powers hereby in him vested, shall rest and remain in the senior manager on record; until the recovery or return of the president, or until a new president shall be chosen as aforesaid.

*4. And be it enacted,* That the said managers and their successors shall have full power and authority to make all such necessary and useful orders and regulations (not inconsistent with the laws of the state) as to them may seem meet and proper for conducting the business of the said corporation: *Provided nevertheless,* That there be a re-

To choose a  
president &c.

7

jority of the whole number of the said managers present  
and agreeing in order to make valid any such order, regu-  
lation, vote or proceeding.

5. *And be it enacted*, That in case of a vacancy hap-  
pening by death, removal from the city, resignation or  
otherwise, of any of the said managers, during the said  
term of three years, it shall be the duty of the mayor, re-  
corder and aldermen, of the said city, on the request of  
the president of the said managers, or of the senior man- Vacancies  
ager, as the case may be, to call a meeting of the citi- how sup-  
zens of the said city, for the purpose of choosing a mana- plied.  
ger to supply the place vacant as aforesaid, during the un-  
expired time of the manager so dead, removed, or other-  
wise ceasing to be a manager ; which meeting shall be hol-  
den at the place and within the hours before mentioned, and  
be conducted by ballot as aforesaid, and of which meeting  
and of the day, place and purpose of holding the same, the  
said president or senior manager, as the case may be, shall  
give at least six days previous notice, by an advertisement  
set up in at least three public places within the said city of  
Burlington.

6. *And be it enacted*, That all the proceedings of the  
managers, as aforesaid, shall, from time to time, be fairly  
entered in a book or books to be provided and kept for  
that purpose ; which book or books, together with the  
common seal, and all moneys, charters, deeds, accounts Books, com-  
and writings whatsoever, appertaining to the association, mon seal, &c.  
shall, upon the decease, resignation or removal of the for-  
mer president, or other person having the custody of them,  
or any of them, be delivered to, or go over unto the next  
successor in office, to be kept and preserved for the use  
and benefit of the managers of the school fund in the city  
of Burlington aforesaid.

7. *And be it enacted*, That the said managers shall at the  
first meeting of the corporation of the city of Burlington,  
annually exhibit a full statement of the receipts and expen-  
ditures of the preceding year, with the number of pupils  
then in the school, together with any other matter or thing  
necessary to shew the situation of the institution.

8. *And be it enacted*, That nothing herein contained,  
shall be construed to impair the right or rights of any oth-  
er person or persons in law or equity; or to impair or alter  
any contract made or existing between the managers of the  
said school fund and any person or persons whatsoever;

prior to the first Tuesday of December, in the present year, when the managers under this act are to be chosen as aforesaid.

C. Passed November 16, 1824.

**AN ACT to incorporate the Phoenix Manufacturing Company.**

**Preamble:**

WHEREAS John Travers hath by his petition to this Legislature, represented that he is the proprietor of an extensive Flax Factory, at present located in Paterson, which he is desirous of increasing and annexing thereto the further operation of Dying, Printing and Bleaching, which will be beneficial to this state by the introduction and employment of considerable capital therein, hath prayed that the said John Travers and his associates may be incorporated into a company for the sole purpose of manufacturing Flax, Hemp, Wool, Cotton, and other articles, and dying, printing, and bleaching the same ; and whereas the prayer of the said Petition appears to be reasonable—**THEREFORE:**

**Name of the company.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That, the said John Travers, J. J. Vasques and James Richards, and such other persons as now are or hereafter may be associated with them and their successors, be, and they are hereby constituted a body politic and corporate in this state by the name and style of the "Phoenix Manufacturing Company," for the sole purpose of manufacturing Wool, Cotton, Flax, Hemp and other articles of a similar nature ; and dying, printing and bleaching the same, and that by that name, they and their successors shall have power and continue to be a body corporate and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever ; and they and their successors may have a common seal, and the same may make, alter and change at their pleasure, and they and their successors by their corporate name shall in law, be capable of buying, holding and conveying any lands, tenements,

**Privileges.**

hereditaments, goods, wares and merchandizes, whatsoever in any part of this state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof shall not be applied, used or employed, at any time, in Banking operations.

2. *And be it enacted*, That the stock, property and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be the President, who shall hold their offices one year from the first Tuesday of October in every year; and that the said directors shall be elected on the last Tuesday of September in every year, at such time and place as shall be directed by the by-laws of the said company, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers, printed nearest the place, where such election shall be made, by such of the stockholders, as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes being stockholders shall be the directors, and if it shall happen at any election for directors, that two or more persons shall have an equal number of votes in such manner that a greater number than five, shall by plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such elections, shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes, shall be director or directors, so as to complete the whole number of five, and the said directors, as soon as may be, after their election, shall proceed in like manner to elect by ballot, one out of their number to be their President, and shall also at the same time elect a Secretary to the company; and if any vacancy or vacancies shall at any time happen by death, removal, resignation or otherwise among the directors elected, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the

time being, or the major part of them shall appoint, and that the first directors shall be James Richards, Robert Oliver Robinson, John Travers, Joaquim Jose Vasques and John Kear, and shall hold their offices until the first Tuesday of October, one thousand eight hundred and twenty five.

*3. And be it enacted,* That the capital stock of said company shall not exceed four hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and so soon as two hundred thousand dollars of the said capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, to commence their said business, and with that capital, conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned, and it shall be lawful for the Directors of said company to call and demand from the stockholders respectively, all such sums of money by them subscribed at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published for that time in one or more public newspapers, published in the county where such payment shall be required to be made; and if no newspaper be published in said county, then in the newspaper published nearest the place where such payment shall be required to be made, and also in one or more of the public newspapers printed in the city of New York.

*Shares trans-*  
*ferable.*

*Proviso.*

*4. And be it enacted,* That the stock and property of the said corporation of whatsoever nature or kind shall be deemed personal estate and be transferable in such manner as shall be prescribed by the by-laws of the said corporation; *Provided*, that no dividends shall be made to, and amongst the stockholders except from and out of the profits of the said corporation: *And provided further*, that for all debts which in case of the dissolution of the said corporation shall then be due and owing by the said corporation, the stockholders for the time being shall be responsible in their individual and private capacities to the extent of their respective interests in the corporate property of the said corporation and no farther in any suit or

action to be brought or prosecuted after such dissolution of the said corporation.

5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not be for that cause deemed to be dissolved, but it shall and may be lawful to hold such election on such other days in the manner aforesaid as shall be prescribed by the by-laws and ordinances of the said corporation.

6. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and prescribe such by-laws, rules and regulations not repugnant to the laws and constitution of the United States, or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, estate, property, effects and profits of the said corporation officers' appointments, clerks servants salaries, and allowances as to them shall seem necessary.

7. *And be it enacted*, That the Directors shall at all times keep or cause to be kept at their manufactory, proper books of accounts in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of said company.

8. *And be it enacted*, That no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for the purpose.

C... Passed November 18, 1824.

**AN ACT** to authorize Col. Abraham J. Van Arsdalen to take out of this State a certain lad of color, named Silas:

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Abraham J. Van Arsdalen to take his colored lad named Silas, born July twenty fifth, one thousand eight

hundred and thirteen, in the County of Somerset, from this State to the State of New York: *Provided* that previous to the removal of the said colored lad, he shall without any threats, constraint or compulsion, before two of the Judges of the Court of Common Pleas, in and for the County of Somerset, on private examination, express and declare his free will and consent, so to be taken and removed; and the said Abraham J. Van Arsdalen shall obtain a certificate of such consent of the said colored lad, in writing, signed by the said Judges, and have the same recorded in the Clerk's office of the County of Somerset, which said certificate shall contain the name and age of the said lad, and the time for which the said Abraham J. Van Arsdalen is now entitled to the service of the said colored lad, by the laws of this State.

A. Passed November 1, 1824.

**AN ACT to dissolve the Marriage Contract between Edith Kay and Clement H. Kay.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same;

THAT the Marriage Contract heretofore existing between Edith Kay and Clement H. Kay, of the County of Gloucester, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

C. Passed November 18, 1824.

**AN ACT to authorize and direct Joshua M. Hardenbergh and Josiah B. Howell, Trustees of Ann Griffith to convey certain real estate therein named, to Andrew Howell in fee simple.**

WHEREAS Andrew Howell, by Deed, bearing date the first day of June, in the year of our Lord eighteen hundred and twenty two, conveyed unto Joshua M. Hardenbergh and Josiah B. Howell as Trustees of Ann Griffith certain real estate, situate in the County of Somerset, and State of New Jersey, adjoining lands of Henry

Van Derveer, William Bryant, and the New Jersey Turnpike road, containing about one hundred and one Acres, as more particularly described in said Deed; and this conveyance on the part of said Andrew Howell being a voluntary gift, and having failed to render that convenience to the grantees for which it was designed, and all the parties interested having prayed for Legislative aid—**THEREFORE :**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the said Joshua M. Hardenbergh and Josiah B. Howell, Trustees as aforesaid, be, and they are hereby authorized and directed to reconvey by good and sufficient Deed in fee simple unto Andrew Howell all that real estate mentioned and described in the said Deed, bearing date the first day of June, in the year of our Lord one thousand eight hundred and twenty two.

**2. And be it enacted,** That the said Joshua M. Hardenbergh and Josiah B. Howell, their heirs, Executors and Administrators, be released from their trust mentioned in the Deed aforesaid from and after the execution of the said reconveyance.

C. Passed November 19, 1824.

A SUPPLEMENT to an act, entitled "An act to incorporate the Protestant Episcopal Church of St. Michael, in the City of Trenton," passed January the twenty eighth, one thousand eight hundred and eighteen.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the word "fourteen" in the fifth Section of the Act to which this is a Supplement, be repealed, and the word "seven" be substituted therefor; and that the word "nine" in the seventh Section of said act, be repealed, and the word "five" substituted therefor.

C. Passed Nov. 25, 1824.

**AN ACT** relative to certain lots of land in and near Somerville, in the county of Somerset.

Preamble.

WHEREAS it is represented to the Legislature that John Davenport did some years ago, divide a certain tract of land, being in and near Somerville, in the county of Somerset into building lots, and the said building lots were disposed of by tickets for fair consideration, and title deeds for the same, duly executed to divers persons : *And whereas,* lately some doubts have arisen with respect to the said titles, from the manner in which the said lots were disposed of—Therefore :

1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the Confirmation authority of the same, That the title deeds given by the of title. said John Davenport for the lots so divided and laid out into building lots in and near Somerville, in the said county of Somerset, shall be as good and valid in law, as if the sale of said lots had been made in the most usual way, any law of this state to the contrary notwithstanding.

A. Passed November 30, 1824.

**AN ACT** to confirm and establish the last Will and Testament of Joseph Applegate, late of the county of Middlesex, deceased.

WHEREAS Joseph Applegate, late of the township of South Amboy, in the county of Middlesex, did on the seventeenth day of September last, duly make and execute his last Will and Testament, in which among other things he did give and bequeath unto his son Joseph Applegate all his lands, and real estate adjoining and lying to the westward of the lines of lands sold to his son Daniel Applegate on the twenty-first day of February, one thousand eight hundred and twenty-two, on complying with the following, that is to say, the said Joseph Applegate was to pay to his executors named, the sum of two hundred dollars, at the expiration of one year after his, the testator's decease, also two hundred dollars in two years after his decease, also two hundred dollars more in three years after his decease, without interest, excepting on the failure of the

several payments before mentioned, then to draw interest until paid, which said real estate should stand and be accountable until paid—*And whereas* the said son and devisee was afterwards taken ill and died in the life time of his father the said testator, leaving a widow and six children; *And whereas* the said testator at that time lay very ill and died in about two days thereafter—*And whereas* it appears to have been the manifest intention of the said testator that in the event of his said son's decease, the devise aforesaid should enure to the use and benefit of his children and heirs—**THEREFORE,**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the said Last Will and Testament of the said Joseph Applegate, have, and the same is hereby declared to have, the like force, validity, operation, and effect in all things so far as regards the wife, children and heirs of the said Joseph Applegate, the son and devisee therein named, as if he had survived the said testator, any law, usage, or custom to the contrary notwithstanding.

A. Passed November 30, 1824.

**AN ACT providing for repairs to the State House, and Government House and lot in the city of Trenton, and for other purposes.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That David Johnston, Charles Parker and William Halsted, Jun., be and they hereby are appointed Commissioners on the part of the State, and that the said Commissioners, or any two of them have full authority to make such improvements and repairs in the State House, the several apartments and furniture thereof and premises, Government House and Lot of land, and public offices in the City of Trenton, as to them shall appear necessary, and that they make a report, particularly specifying the said improvements and repairs, and the amount of money thereupon expended, as soon as the

same shall be completed, to the Governor of the State, or person at that time administering the Government, to be laid before the Legislature at their next Session upon receipt of which report, the Governor, or person administering the Government be, and he hereby is authorized to draw upon the Treasurer of the State, in favor of the said Commissioners for the sum of money so expended: *Provided*, that the expense of such improvements and repairs do not exceed the sum of twelve hundred dollars.

C. Passed December 1, 1824.

**AN ACT** to authorize Rachel Ireland, Administratrix of Captain Elijah Ireland, deceased, to fulfill a certain contract therein named.

WHEREAS Captain Elijah Ireland, late of the county of Gloucester, deceased, in his life time made a partial agreement to convey to Thomas Naylor of said county, a lot of land, situate in the township of Great Egg-Harbor, county aforesaid, being on the Southeasterly side of, and adjoining to the Cedar Swamp Creek, near the new road, and bridge over the same, and the said Naylor was put in possession of the same, and paid the consideration thereof, but the said Ireland departed this life before any Deed for the same was delivered—Now THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Rachel Ireland, Administratrix of Captain Elijah Ireland, deceased, is hereby authorized to execute and deliver to the said Thomas Naylor a Deed for the above mentioned lot of land, which shall have the same force and effect as a Deed from the said Elijah Ireland, in his life time, would have had.

C. Passed December 2, 1824.

**AN ACT to authorize the formation of Fire Companies in  
the Borough of Elizabeth.**

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the corporation of the Borough of Elizabeth shall have power to raise and organize from and among the citizens thereof, one or more company or companies of Firemen, not exceeding three companies, and not more than twenty-five persons in each company, who, while belonging to said company, shall severally be exempt from serving as jurymen in justice's courts ; and in case any of said persons shall not be free-holders, while belonging to said company they shall be exempt from labor and taxes for the support of the Highway, not exceeding three dollars a year ; and the corporation shall have power to make all necessary by-laws for the organization or regulation of said company or companies not inconsistent with the laws of this State, nor of the United States.

A. Passed December 2, 1824.

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**AN ACT to repeal an act, entitled "An act to abolish imprisonment for debt in certain cases," passed the eleventh day of December, one thousand eight hundred and twenty-three.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled " An act, to abolish imprisonment for debt in certain cases," passed the eleventh day of December, one thousand eight hundred and twenty three, be, and the same is hereby repealed.

2. *And be it enacted*, That in all cases where a bond shall have been given, agreeably to the provisions of the first section of the act, hereby repealed, the same shall be valid, and all persons who have given such bond, shall be entitled to the benefit, and subject to the provisions of the said act, to all intents and purposes, as if this repealing act had not been passed.

C. Passed December 2, 1824.

**AN ACT to repeal certain acts therein named.**

Certain act  
repealed.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act to authorize the banking and improving certain marsh meadow, and swamp, in the township of Downs, in the county of Cumberland, passed February the second, one thousand eight hundred and nineteen, and also a supplement to said act, passed January the thirty first, one thousand eight hundred and twenty, be, and the same are hereby repealed: *Provided nevertheless,* That all assessments and debts due to the said company, and all assessments necessary to be made for the purpose of refunding to the managers of the said company, or either of them, moneys by them heretofore actually advanced, and expended for said company, may hereafter be made and collected in like manner as before the passing of this act.

C. Passed December 3, 1824.

**A SUPPLEMENT to the act entitled "An act to regulate fees," passed the thirteenth of June, one thousand seven hundred and ninety nine.**

Former act  
repealed.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the seventh section of the act, entitled "A supplement to an act making provision for carrying into effect the act, for the punishment of crimes," passed May the thirtieth, one thousand eight hundred and twenty (requiring that all bills of cost, in criminal cases, should be taxed by the court before whom the trial is had,) be, and the same is hereby repealed.

How bills in  
criminal cases  
must be taxed

2. And be it enacted, That all bills of cost, in criminal cases, shall hereafter be taxed by the Clerk of the court in which the judgment is had, in the manner provided by the third section of the act to which this is a supplement; and the said Clerk shall in no case allow on such taxation, either for himself or others, any item or charge for any service or proceeding, unless the same shall have been required by law, in the regularly conducting such case, and unless the same shall have been actually performed, and shall

so appear upon the minutes or records of the court ; and such Clerk, shall not allow any charge, for more than one service for taking and entering the recognizances of several persons who appear and enter into recognizance together at the same time, nor shall any charge be allowed for more than one process of subpoena, for the appearance of all the witnesses, in the same case, residing in the same county at the same term.

*3. And be it enacted,* That if any Clerk in the taxation of any such bill of cost, shall allow any item, fee or charge, contrary to the provision of the preceding section, he shall for every such offence, forfeit and pay the sum of thirty dollars, to be recovered by action of debt, with costs of suit, by any person who shall sue for the same, the one half to the use of the county wherein such Clerk shall reside, the other half to the use of the person who shall sue for and prosecute the same to effect.

C. Passed December 4, 1824.

**AN ACT supplementary to an act to extend the Paterson and Hamburgh Turnpike to the Hudson river.**

*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the time for completing the road and bridges of the New-Barbadoes toll bridge company, be, and the same is hereby extended to the eighteenth day of February, in the year of our Lord one thousand eight hundred and thirty.

C. Passed December 7, 1824.

**AN ACT to incorporate "The Schuyler Copper Mine Company."**

WHEREAS Daniel Stansbury, of the township of New Barbadoes, and county of Bergen, by his petition to the Legislature of this state, has set forth, that he together

*Preamble.*

with Arent Schuyler, of the said township, and Smith W. Anderson, of the city of New York, are the lessees and owners of more than one half of the copper mines in said township, known by the name of "Schuyler's Mines;" and that the said petitioner expects that he will be able to clear out and work the said mine, as well as other copper mines in this state, with the assistance of such other persons as have or may hereafter associate with him for that purpose; provided he can obtain an act of incorporation, so as to secure the adventurers from other loss than the property they may choose to adventure; *And whereas* it will be for the public benefit, that the mines of this state should be worked—**THEREFORE**,

**I. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Daniel Stansbury, Arent H. Schuyler and Smith W. Anderson, or either of them, be and are hereby authorized to receive\*subscriptions to a capital stock for the purposes of mining and smelting ores and metals, and for preparing the same in a marketable form, and for no other purpose or business whatsoever; that the subscribers to the said capital stock shall be and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Schuyler Copper Mine Company;" and by that name shall have continued succession, and shall have power and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in any courts of judicature, and also of contracting and being contracted with relative to the purposes and business for which this corporation is hereby created, and to purchase, possess, retain and enjoy to them and their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels and effects of whatsoever kind, nature or quality, and the same from time to time, to sell, grant, demise, alien or dispose of at pleasure, to make and have a common seal, and the same to alter or destroy at their pleasure; to make by-laws not contrary to the laws of this state, or of the United States, and to repeal or alter the same; and also to appoint such agents, officers, miners, artificers, or servants as shall or may be necessary to carry into effect the purposes for which this corporation is created; to allow them such compensation as may be right and proper, and to dismiss and discharge them at pleasure: *Provided*, that the real estate held by the said corporation at any time, shall not exceed so much as shall be necessary and

*Style of Corporation, their powers, privi-  
leges, &c.*

convenient for the use of said corporation, its officers and servants for transacting their business, for the erection of works, for the accommodation of persons in their employ, and such lots of land as may be supposed to contain copper ore, not exceeding in the whole three hundred acres.

*2. And be it enacted,* That the said corporation shall have power to hold as mortgagee, any real estate bona fide mortgaged to the said corporation, to secure any debt that may become due to the said corporation, in the course of <sup>May hold</sup> their lawful business; and the said corporation shall have <sup>real estate on certain conditions.</sup> also power to proceed on the said mortgages for the recovery of the money thereby secured either at law or equity, as any other mortgagee is or shall be authorized to do; and it shall be lawful for the said corporation to purchase on sales made by virtue of a judgment at law, or decree, of a court of equity, real estate, and to hold the same until they can conveniently sell and dispose thereof, notwithstanding the real estate so purchased, with what they already possess, may exceed three hundred acres.

*3. And be it enacted,* That each share in the capital stock of said company, shall be one hundred dollars, and that as soon as three hundred shares shall be subscribed, the said company shall be considered as duly incorporated under this act, and authorized to employ their capital for <sup>Shares.</sup> the purposes for which this corporation is created, and the persons herein authorized to receive subscriptions, shall call a meeting of the subscribers at some convenient place, giving each subscriber timely notice of the time and place of meeting, and the subscribers so assembled or their proxies, shall proceed to ascertain by a plurality of votes, how many directors they may desire to manage their business, each share having one vote; the subscribers so <sup>Directors.</sup> assembled or their proxies, shall then elect by ballot from among themselves as many directors as they shall have previously determined to be necessary and proper to manage their business, each share being entitled to one vote, which directors so chosen, shall hold their offices one year after the second Tuesday of May ensuing the said election, <sup>Time of meeting, &c. &c.</sup> and on the second Tuesday of April, annually, (excepting the April next following the first election) there shall be a like election for the same number of directors, at the time and place that the directors for the preceding year, or (in case the directors omit that duty) that a majority of the stockholders shall appoint, which directors shall take their offices on the second Tuesday in May next after the elec-

Proviso.

tion, and hold the same for one year from that time ; and in case of death, refusal, resignation, or disqualification of any director, a new director shall be appointed to fill his place in such manner as the corporation by their by-laws may direct; but no person shall be eligible to be a director, or shall hold the office of a director, unless he be a stockholder at the same time : *Provided*, that if it shall happen that an election of directors be not made on the day herein prescribed, the said company shall not be considered as thereby dissolved, but it shall be lawful on any other day thereafter, to hold an election for directors for the year.

Vacancies,  
how to be  
filled.Shares, &c.  
how forfeited.Subscription  
may be enlar-  
ged, &c.

4. *And be it enacted*, That at the first meeting of the directors, they shall choose a president from among themselves, to serve for one year, and to elect a president annually thereafter, and in case of the death, resignation or disqualification of the president, they shall in like manner fill his place from among themselves for the residue of the year ; at the same first meeting, the directors shall appoint a cashier or treasurer, to hold his office during their pleasure, to whom the subscription money, or such parts or instalments thereof, as a majority of the directors shall order, shall be immediately paid, and in case any subscriber shall omit or neglect to pay said first instalment without delay, his share in the corporation shall be forfeited, and a new subscription may be taken in the place thereof, and after any instalment has been paid, no more shall be called for unless sixty days notice be given to each stockholder, either in writing or by public advertisement, in two newspapers printed in the city of New-York and in one in the town of Newark, in this state ; and in case any instalment called for by such notice, be not paid at the time and place therein required, the share on which such instalment shall be due, shall be forfeited to the said corporation, and all previous payments made thereon.

5. *And be it enacted*, That if the majority shall at any time during the continuance of this act, think that a larger capital can be advantageously employed in the business for which the said corporation is created, they may call a special meeting of the stockholders at some convenient time and place, for the purpose of enlarging their subscription, and if the stockholders convened in consequence of such call, who shall hold a majority of the stock, think it expedient to do so, new subscriptions may be obtained from them or others to increase the stock of said corporation : *Pro-*

*vided, that in no case it shall exceed two hundred and fifty thousand dollars.*

6. *And be it enacted,* That the capital stock of the said company shall be deemed personal estate, and that the shares of it at any time, owned by any stockholder, shall be transferable on the books of the company, in such manner as their by-laws shall ordain ; but all debts due or owing to the company, by such stockholder, shall be satisfied before such transfer can be made.

7. *And be it enacted,* That this act shall be and continue in force until the first day of January, in the year of Limitation our Lord one thousand eight hundred and sixty-five and no longer.

A. Passed December 8, 1824.

**AN ACT for the settlement of territorial limits and jurisdiction between the states of New Jersey and New York.**

WHEREAS differences have, unhappily arisen and do exist, respecting limits of territory and jurisdiction between this state and the state of New York: And whereas it is most expedient and desirable that the same should be amicably and speedily adjusted, so that certainty of rights and perfect harmony may be established between them in all future times—To these ends THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the governor of this state be, and he is hereby authorized to appoint any number of commissioners, not exceeding five, with full powers on the part of New Jersey, to meet commissioners to be appointed under or by virtue of a law of New York, with like full powers, on the part of that state, and with them to agree upon, settle and determine the limits of territory and jurisdiction between the said states, as to them may seem just; and their agreement, in the premises, in writing, signed and sealed by the said commissioners, or a majority of them respectively, if made on or before the fifteenth day of November next, shall become binding on

this state when confirmed by the respective Legislatures of New York and New Jersey.

How vacancies to be filled.

2. *And be it enacted*, That the said commissioners do meet at such times and places as they may agree upon ; and if by death, resignation or otherwise, a vacancy do happen, among those appointed on the part of this state, the governor is hereby authorized to supply the same.

3. *And be it enacted*, That the governor of this state, do transmit to the governor of New York, a copy of this act, duly authenticated, with a request that he would submit the same to the Legislature of New York, at their next session.

C. Passed December 10, 1824.

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**AN ACT** to authorize William Bishop, one of the Executors of Edward Parlier, deceased, to make and execute a deed of conveyance to John Suydam, senior.

Preamble.

WHEREAS William Bishop, one of the executors of Edward Parlier, late of the county of Hunterdon, deceased, hath by his petition represented to the Legislature, "That the said Edward Parlier, being seized of certain real estate in the county of Hunterdon, made and executed his last Will and Testament, wherein and whereby he directed his executors therein after named, to sell all his said real estate, and particularly, one five acre lot, situated in the Swamp, in the said county of Hunterdon, which he bought of Low Pearson, and did authorize his said executors to make and execute as good titles for his said real estate as he himself could have done—That the said Edward Parlier, after appointing the said William Bishop and one Asher Stout, executors of his said last Will and Testament, died without altering or revoking the same—That the said William Bishop and Asher Stout proved the said last Will and Testament in due form of law, and took upon themselves the execution thereof—That shortly afterwards, and before part of the said real estate was sold, Asher Stout, co-executor of the said William Bishop, absconded from the state of New Jersey, and has remained absent from that time to the present day—That after the departure of the said

**Asher Stout,** the said William Bishop took upon himself the sole execution of the said last Will and Testament, and made sale of the said Swamp lot of five acres to one John Suydam, senior, for the sum of one hundred dollars—That in consequence of the said Asher Stout having left the state of New Jersey, and his place of residence (if living) unknown to the said William Bishop, a legal deed of Conveyance cannot be executed to the said John Suydam, senior, without Legislative provision ; and the said William Bishop having prayed that the Legislature would pass a law, authorizing him to make a deed to the said John Suydam, senior, for the said lot of land,” and the same appearing to be just and reasonable : **THEREFORE,**

**1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That William Bishop, one of the executors of Edward Parlier, late of the county of Hunterdon, deceased, be, and he hereby is authorized and empowered to make, execute and deliver to the said John Suydam, senior, a deed of conveyance for the lot of land <sup>Executor to make a deed.</sup> of five acres above described ; which deed of conveyance, so made, executed and delivered by the said William Bishop executor as aforesaid, shall be as good and effectual in law for the conveyance of the same, as if made and executed by both of the executors of the said Edward Parlier, deceased, any law, usage or custom to the contrary notwithstanding.

**C. Passed December 10, 1824.**

**AN ACT to authorize the United States to hold its courts in the State House.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That from and after the passing of this act, it shall and may be lawful for the United States, to hold its courts in that part of the State House, which is appropriated to the Supreme court;—*Provided,* That the

sessions of the said courts, shall not interfere with the regular terms of the said Supreme court, as established by the laws of this state.

C. and A. Passed November 22, 1824.

**AN ACT** for the sale of a part of the government lot in the city of Trenton.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That David Johnston, Daniel Baker, and Thomas Gordon, or any two of them, be, and they are hereby appointed commissioners on the part of the state, to sell, at a fair and just price, a part of the government lot, in the city of Trenton, commencing at any point not exceeding twenty feet east of the dwelling house of Samuel R. Hamilton, on the north side of second street, thence northerly, parallel with the line of said Hamilton's lot, to the rear of the government lot; thence coursing the same, westerly, southerly, and easterly, to the place of beginning; which part to be disposed of, by the said commissioners, or a majority of them, to the best interest of the state.

2. And be it enacted, That the said commissioners upon making such sale, shall certify the same to the governor of this state, with the price and terms of such sale, and upon payment of the consideration money to the treasurer of this state, the governor, or person administering the government, shall be, and hereby is authorized, to make, execute and deliver, to the purchaser or purchasers, a deed or deeds, conveying all the right, title, and interest, whatsoever, of this state, in the premises thus sold, in fee simple.

3. And be it enacted, That the moneys which may arise from the sale or sales of the said lot, shall be, and hereby are appropriated to the school fund, and for no other use or purpose whatsoever.

4. And be it enacted, That the act entitled "An act for the sale of the government house and lot, in the city of

Trenton, on the ninth day of February, one thousand eight hundred and nineteen," be, and the same is hereby repealed.

C. and A. Passed November 22, 1824.

**AN ACT** to confirm a certain division of the estate of Abraham Inskeep, deceased, therein mentioned.

WHEREAS it appears that Abraham Inskeep, of the county of Gloucester, by his last will, dated the sixteenth day of April, in the year of our Lord one thousand eight hundred and twenty, did among other things, devise, that his executors, Joseph P. Rogers and William Brick, should sell and convey all that tract of land and plantation, whereon he lived, within four years after his decease, and did further direct, that the proceeds of the sale, after payment of his just debts, should be divided amongst his three children and three of his grand children therein named. *And whereas* after using all reasonable endeavors, the said executors were unable to effect a sale of said premises without great loss and damage to the devisees aforesaid—whereupon the said children, and one of the grand children, devisees as aforesaid, to whom seven eights of the proceeds were devised as aforesaid, being of full age, did come to an agreement to divide the said premises instead of having the same sold; and as to the other eighth part of the same, which, if sold, the proceeds thereof would belong to two minors, grand children as aforesaid, it was agreed on their part by their parents and natural guardians (who were also the devisees of the other shares) that their eighth part, should be also divided off and left for future sale, for their use, by said executors, agreeably to the Will. *And whereas* it appears that in pursuance of said agreement, an instrument in writing, under seal, dated the twentieth day of November eighteen hundred and twenty two, was entered into and executed by all the said parties of full age, acting for themselves, and also by the parents and natural guardians acting for the said minors, by which agreement, John Clement, John Evans and Micajah Wells, were appointed commissioners to divide the said premises accordingly; as by reference to said agreement doth appear: *And whereas* it appears that the said com-

missioners did make division pursuant to said agreement between the said respective devisees, as by reference to the same under their hands, and dated the fourth day of December, one thousand eight hundred and twenty two, may appear : *And whereas* the said devisees of full age, and parties to the said agreement and division, owning seven eighths of the premises as aforesaid, did immediately take possession of, and have greatly improved their respective parts, and fully accepted the said division, have in their own right applied to this legislature for a confirmation of said division as between themselves, and also as to the eighth part, so divided off to the two minors to be sold as aforesaid, their parents having applied for and consented to such confirmation on their behalf ; THEREFORE,

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the division of the premises, so as aforesaid made by the said John Clement, John Evans and Micajah Wells, be, and the same is hereby confirmed and made valid in law and equity between the said parties, their heirs and assigns : *Provided*, that nothing herein contained shall in any manner affect or alter the right of the executor or executors, in the said Will mentioned, or any other person lawfully authorized, to sell and dispose of the said premises, or any part thereof, for the payment of debts and legacies in pursuance of the directions and powers in the said Will given and mentioned.

C. Passed November 25, 1824.

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AN act to encourage and regulate the planting of oysters in the township of Perth Amboy.

Planting of  
oysters, &c.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the shore and land covered by the waters of the Sound and Raritan river, within the township of Perth Amboy, in the county of Middlesex, shall and may be set apart and laid out by commissioners, as herein after directed, for the purpose of planting and growing oysters thereon ; reserving thereout such part or parts thereof, as may be judged necessary for public ac-

commodation—*Provided*, that nothing herein contained shall authorize the said commissioners to present any obstruction or cause any injury to the navigation of the said Sound and river, or to any fishery or fisheries therein.

2. *And be it enacted*, That the said commissioners shall and may, upon the application and at the expense of the owners of the land lying next to and adjacent to the waters aforesaid, proceed to make a survey of the said shores and land covered by water, and lay off and set apart so much of the same as they or a majority of them may deem proper for the purposes aforesaid ; and they shall make a map and description of the shores and land covered with water, so laid off, and cause the same to be marked by stakes, placed in the outside boundary of the same ; and they shall set apart and designate for public use, all natural oyster beds, and all such other part or parts of the said shores and land covered by water, as they or a majority of them may deem expedient and necessary for public accommodation and use, and note and mark the same on the map and survey aforesaid, and shall cause the said map and survey to be delivered to the clerk of the county of Middlesex, who shall file and preserve the same in his office as of record.

3. *And be it enacted*, That the said shores and lands covered by water, so surveyed and laid off, excepting such part or parts thereof as shall be set apart and designated for public use and accommodation as aforesaid, shall and may be used and occupied by the owner and owners of the land next to and adjacent to the navigable waters aforesaid, for the purpose of planting and growing oysters thereon, for the use and benefit of such owners respectively, their heirs and assigns, during the continuance of this act.

4. *And be it enacted*, That the owners of the land aforesaid, shall and may mark and stake out the shores and land covered by water, laid off as aforesaid, and lying in front of their respective possessions, by lines running as near as may be at right angles to the general course of the shore and the said stakes, and the stakes marking the general boundary line fixed by the commissioners, shall be replaced by the said owners as occasion may require, and a map and description of the shores and land covered by water, occupied or intended to be occupied by any such owner, shall be made and signed by him, her, or them,

*Certain parts reserved, &c.*

*Boundaries specified, &c.  
and map to be filed in Clerk's office.*

and filed in the clerk's office of the county of Middlesex,  
as of record.

*5. And be it enacted,* That the person or persons so marking and staking off any part or portion of the said shores and land covered by water, for the purposes aforesaid, shall at or before the delivery and filing the map and description thereof, pay, or cause to be paid, to the county collector of the county of Middlesex, for the use of the state of New Jersey, at a rate not less than two, nor exceeding five dollars per acre, at the discretion of the commissioners, for such quantity of the shores and land covered by water, as the same may contain, and a like sum paid annually at the commencement of every year thereafter; upon which payment such person or persons, and his, her, or their heirs, or assigns, shall be considered and deemed to be entitled to the use and occupation of the shores and land covered by water, so designated for the purpose of planting and growing oysters thereon.

*6. And be it enacted,* That if any person or persons shall enter on such enclosure without the leave or consent of the owner thereof (in writing,) and injure the same, or commit any trespass thereon, he, she, or they, so trespassing, shall be liable to the party injured, for double damages, to be recovered in an action of trespass.

*7. And be it enacted,* That John N. Simpson of Middlesex, Peter I. Stryker of Somerset, and John Dodd of Essex, be, and they are hereby appointed commissioners to execute the duties enjoined by this act; and in case of the death, refusal, or inability, to serve, of either of the said commissioners, it shall be the duty of the governor or person administering the government, to appoint some other person in his or their place: and the said commissioners shall be severally sworn or affirmed, before any judge of any Inferior Court of Common Pleas, truly and impartially, to execute the duties enjoined upon them, and shall be entitled to ask and receive three dollars per day for each and every day they may be employed in executing their duties.

*8. And be it enacted,* That if the owner or owners of any of the land lying adjacent to the waters aforesaid, shall refuse or neglect, for the space of six months after the filing of the map and survey, made by the commissioners as aforesaid, to mark out and stake the said land covered with-

Sum to be  
paid to the  
county col-  
lector.

Penalty on  
trespassers &c

Commission-  
ers names.

Compensation  
per diem.

Forfeiture of  
the provision  
&c.

water, and to pay the annual consideration herein mentioned, that then and in such case, all right and title of such owner or owners acquired under this act shall cease and become void, and it shall be lawful for the said commissioners to authorize any other person or persons, being resident citizens of this state, to mark out and stake the same, and to use the said shores and land covered with water for the purpose of planting oysters as aforesaid, upon the payment of the consideration, annually reserved hereby, and upon complying with the provisions and terms of this act.

9. *And be it enacted,* That no person shall be allowed to plant oysters on any of the land covered with water aforesaid, which shall be taken from natural beds in the Raritan river, below the mouth of Crows Creek, or in the ~~Boundaries~~ waters of the Sound, below the mouth of Rahway river—  
*Provided always,* that nothing herein contained shall be so construed, as to prohibit such persons from depositing such oysters on the land covered with water aforesaid, which may be taken from the natural bed aforesaid, between the first day of September and the first day of May, for the purposes of sale.

10. *And be it enacted,* That this act shall be and remain ~~in force for and during the term of ten years, and no longer.~~ <sup>Limitation.</sup>

C. Passed November 25, 1824.

**AN ACT** to authorize Conrad Konnight the father of Martin Konnight deceased; to fulfil a certain contract for the sale of land made by the said Martin Konnight, with James Linerom.

WHEREAS it appears, that Martin Konnight, late of the county of Bergen, deceased, did in his life time, contract to sell to James Lincrom, a certain lot of land, situated in the township of Franklin in the said county, adjoining lands of Henry Fox, containing about fourteen acres, for the sum of five hundred and fifty seven dollars: And whereas the said Martin Konnight is since deceased, intestate, leaving one heir, a minor, and the agreement (or contract) not being made in writing, in

presence of two witnesses, a conveyance of the land cannot be ordered by the Orphan's court under the existing laws; *And whereas* the said Conrad Konnight stood bound together with the said Martin Konnight, deceased, and Peter T. Ackerson to Peter Perry, of Rockland county, in the state of New York, for the sum of five hundred and fifty seven dollars, the amount of the first purchase money; — *And whereas* the said contract, for the sale of the said lot of land aforesaid, was made expressly for the payment of the said sum of five hundred and fifty seven dollars, the amount of the first purchase money, to the said Peter Perry aforesaid.— **THEREFORE,**

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Conrad Konnight be, and he is hereby authorized to fulfil the said contract made by the said Martin Konnight with the said James Lincrom, and to make a good and sufficient deed of conveyance of the said lot of land, to the said James Lincrom, his heirs and assigns, and to demand and receive from the said James Lincrom, his executors and administrators, all such sum or sums of money as are due, or shall become due, for the said land and premises, and therewith pay and satisfy the debt due to Peter Perry as aforesaid: *Provided always*, that nothing in this act contained shall in any manner interfere with the lawful claim of any person whatever, to the said land and premises, except the heir or heirs of the said Martin Konnight, deceased.

C. Passed December 1, 1824.

Style of the corporation.

#### AN ACT to incorporate the Perth-Amboy Ferry Company.

**1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Andrew Bell, Joseph Marsh, Robert Arnold, James Parker, and all such persons as shall be hereafter associated with them for the purpose of keeping and conducting a ferry, or ferries over the Raritan river, between Perth-Amboy and South-Amboy and also

over the Sound between Perth Amboy and Staten Island; and their successors and assigns, be, and they are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, by the name and style of "The Perth Amboy Ferry Company," and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "the Perth Amboy Ferry Company," shall in law be capable of purchasing, holding and conveying any lands, tenements, hereditaments, real or personal estate, whatsoever, necessary for the objects of this incorporation.

*2. And be it enacted,* That the capital stock of the said company shall not exceed two hundred and fifty shares of twenty five dollars each, and that subscriptions for the same shall be taken under the direction of Andrew Bell, Joseph Marsh, Robert Arnold and James Parker, or any two of them; that two dollars fifty cents be paid on each share at the time of subscribing, and that, as soon as one hundred shares are subscribed, the said Andrew Bell, Joseph Marsh, Robert Arnold and James Parker, or any two of them, shall call a meeting of the subscribers at Perth Amboy, giving at least two weeks notice by advertisements in one newspaper printed in the county of Middlesex, and in three Manner and of the most public places in Perth Amboy, and the sub-  
scribers assembled in consequence of such notice, shall choose by ballot from among themselves, by a majority of the votes present, in person or by proxy, a president, three directors, and a treasurer, who shall continue in office until the first Monday in October then next ensuing; and on the first Monday in October annually thereafter, a like election shall be made; and in case of the death, refusal, resignation, disqualification or removal of the president, or any director, or treasurer, the remaining directors shall have power to elect another person or persons in his or their place, for the remainder of the year.

*3. And be it enacted,* That in all elections for a president, directors and treasurer, the stockholders shall be entitled to vote as follows, viz: for any number of shares

not exceeding ten, one vote for each share, and one vote for every five shares exceeding ten.

*Forfeiture &c.*

4. *And be it enacted,* That the subscribers to the capital stock of the said company shall pay the amount of their several subscriptions at such time and in such instalments as the said company shall direct.—*Provided* that no instalment shall exceed five dollars on a share, and that notice of such instalment shall be given by advertisement in one newspaper printed in the county of Middlesex, and in three of the most public places in Perth Amboy, at least four weeks prior to the time of payment; and any person, copartnership or body politic, failing to pay any instalment, shall forfeit to the company each and every share on which there shall be a default of payment, and all previous payments made thereon.

*Shares, personal estate, &c.*

5. *And be it enacted,* That the stock of the said company shall be deemed and considered personal estate; and shall be transferable in such way as the said corporation shall direct.

*By-laws, &c.*

6. *And be it enacted,* That the said corporation and their successors shall have power from time to time, to make, constitute, ordain and establish, all such by-laws, rules, ordinances and regulations, as may be deemed necessary, touching the election of a president, directors and treasurer, not herein provided for; and also for the transacting of the business and managing the concerns of the said company, and for the keeping, conducting and maintaining the said ferry or ferries, and the government thereof; the same not being repugnant to the constitution or laws of the United States or of this State; and all contracts, engagements and responsibilities, entered into by the directors, or a majority of them, and signed by the president, shall be binding on the said company, in the like manner as any contract would be if made and entered into by any individual.

7. *And be it enacted,* That nothing herein contained shall be taken or deemed to authorize the said company to use or employ their funds, or any part thereof, for any purpose whatsoever not authorized or intended by this act; which purpose is hereby declarad to be, the keeping, conducting and maintaining a ferry or ferries, over the Raritan river, between Perth Amboy and South Amboy, and over the Sound between Perth Amboy and Staten Island.

8. *And be it enacted,* That the rates of ferrage at the

said ferries shall not exceed the rates now or hereafter to be established thereat, according to law.

9. *And be it enacted*, That nothing herein contained shall be so construed as to affect, invalidate or impair the rights or privileges of any other person or persons whomsoever, or body politic or corporate, claiming or exercising the right of ferrage in and over the waters aforesaid, or either of them.

10. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty one years, and from thence to the end of the next session of the Legislature, and no longer.

C. Passed December 10, 1824.

AN ACT to establish the Peoples' Bank of Paterson.

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That a subscription be opened for one hundred and fifty thousand dollars, in shares of fifty dollars each, and that subscriptions be taken under the directions of John Colt, Alexander M. Muir, William Elison, John D. Brown, Brant Van Blarcom, William Jacobs, Caleb M. Godwin, Robert Carrick and Joseph Fowler—And it shall be the duty of said commissioners to open books for said subscription at the town of Paterson, and continue the same open for ten days, giving notice for at least three weeks in one Newspaper published in Paterson, and one in Newark, of the time and place, when such books will be opened.

2. *And be it enacted*, That the sum subscribed shall be paid, to the persons herein before mentioned, in the manner following, that is to say, five dollars upon each share at the time of subscribing, to the persons receiving subscriptions; twenty dollars upon each share on the day appointed for the election of the first directors of said company, to be paid to the persons aforesaid, previous to the said election; and the remainder to be paid in instalments of five dollars on each share, when called for by the said president and directors.

3. *And be it enacted*, That notice shall be given by the cashier of said company in the newspapers published

**Neglect of payment, to forfeit, &c.** in the town of Paterson, at least two weeks previous thereto, of the day of payment of each instalment, and any person, copartnership, or body politic failing to pay any instalment or any part thereof, to the persons in the second section named, and at the periods therein prescribed, shall forfeit to the said company, every share upon which there shall be a deficiency, and all moneys thereon previously paid.

**To advertise, choose directors, &c.**

4. *And be it enacted,* That as soon as one thousand shares shall be subscribed, the persons hereby empowered to receive subscriptions, or any three of them, may call a meeting of the subscribers at Paterson, by giving at least three weeks previous notice in the newspapers printed in the town of Paterson, and in one or more of the newspapers printed in the city of New York, if any of the subscribers shall be resident therein; and the subscribers assembled in consequence of such notice shall choose by ballot from among the subscribers by a majority of votes of such as are present, or by proxy, thirteen directors, a majority of whom shall be inhabitants within the chartered limits of the town of Paterson, for the term of one year thereafter; and on the same day annually thereafter, a like election shall be made, a majority of which directors shall at all times be inhabitants of the town of Paterson; and in case of the death, refusal, resignation, disqualification or removal of any directors, the remaining members at their next meeting thereafter, shall elect by ballot another person in his place for the residue of the year, and the directors or any seven of them, at their first meeting, after every general election, shall elect from among themselves, by a majority of the members present, by ballot, a president, who shall be an inhabitant of Paterson, and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet as soon as conveniently can be thereafter, and elect in the manner before mentioned, another person, qualified as aforesaid, to act as president.

**Vacancies how filled and president chosen.**

5. *And be it enacted,* That all such persons as shall become subscribers to the capital stock, in the first section mentioned, their successors and assigns shall be, and are hereby created and made a corporation and body politic, by the name and style of, "The President, Directors, and Company of the Peoples' Bank of Paterson," and by that name shall be, and are hereby made capable in law to have, purchase, receive and possess, to them and their suc-

**Style of the Incorporation, seal and by-laws.**

sors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature or kind soever, and the same to grant, demise, alien or dispose of, sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in any court of record or in any other place whatever, and also to make, have and use a common seal, and the same to break, alter, and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation: *Provided*, they be not inconsistent with the Proviso laws of this State, or of the United States; and also to appoint all such officers, agents and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and to allow them such compensation for their services as shall be right and proper.

6. *And be it enacted*, That there shall be a meeting of the board of directors every quarter, who shall have power to adjourn from time to time, and the president and any three of the directors may call a special meeting at any other time they may think necessary.

7. *And be it enacted*, That the said directors at every quarterly meeting shall choose three directors to inspect the business of the company for the ensuing three months, and the inspectors so chosen shall twice in every month examine into the state of the cash account, the notes received, and other business of said company, and see that the accounts are regularly balanced and transferred.

8. *And be it enacted*, That any director, officer or other person holding any share, stock or capital of the said company, who shall commit any fraud or embezzlement, touching the money or property of the said company, shall be liable to be prosecuted in the name of the State by indictment for the same, in any court of law of this state, and on conviction thereof, shall, besides the remedy that may be had by action in the name of the said corporation, for the fraud aforesaid, forfeit to the said company, all his share or stock in the same.

9. *And be it enacted*, That if any person or persons, shall within this state, forge or counterfeit any of the notes or checks of the said corporation, or pay or tender in payment, or in any manner pass or offer to pass such forged counterfeit note or check, knowing them to be forged

Counterfeite  
rs coerced.

or counterfeited, and shall be thereof convicted, in any court of law within this state, he, she, or they shall be adjudged guilty of misdemeanor and suffer such punishment as persons guilty of such crimes are liable to under the existing laws of the state.

10. *And be it enacted,* That the capital stock and funds of the said corporation shall be deemed personal estate.

11. *And be it enacted,* That a majority of the whole number of directors shall have power to fix on a place in the town of Paterson, for transacting the business of the said company and the same to change at their pleasure until the day of payment of the last instalment upon the said two thousand shares, and from thence until another place shall be fixed on by the stockholders; for which purpose it shall be the duty of the president to call a meeting of the stockholders at such time, not exceeding one month from the day aforesaid, at such place within the town of Paterson, as he may think proper to appoint, giving three weeks previous notice in the manner prescribed in the fourth section of this act, of said meeting, at which meeting the stockholders then present, or by proxy, shall proceed to vote by ballot for a permanent situation for transacting the business of the said company; and whatever place, within the town of Paterson, shall be fixed on by the stockholders, or a majority of them, voting as aforesaid, shall be established by the directors as the permanent place of business of the said company.

A permanent  
site for the  
Bankinghouse  
&c.

12. *And be it enacted,* That the following rules, regulations, restrictions, limitations, and provisions, shall be fundamental articles of the constitution of the said corporation, to wit:

#### ARTICLE I.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she or they shall hold in the proportions following, that is to say; for one share and not exceeding twenty five, one vote for every share; for every five shares above twenty five shares, one vote.

Fundamental  
articles.

#### ARTICLE II.

After the first year, half yearly dividends shall be made to the stockholders, of so much of the profits of the bank-

ing business, as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the ~~said~~ company, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities, and an action of debt may be brought in such case against them, or any of their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted to judgment and execution, any conditions, vestment or agreement notwithstanding; and any director or directors who may have been absent when such dividend took place, or who may have dissented from the resolution directing the same, may prevent himself or themselves from being so liable, by forthwith giving notice of the fact of his, or their dissent to the governor of the state, for the time being, and to the stockholders at a general meeting, which the said directors shall have power to call for that purpose. And once in every year, the directors shall lay before the stockholders for their information, an exact and particular statement of the debts which shall have remained after the expiration of the original credit, and of the surplus of profits, if any, after deducting losses and dividends.

### ARTICLE III.

No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his services in the business of the said company, as shall appear to them reasonable.

### ARTICLE IV.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or absence, in which case his place shall be supplied by another director. But any three directors, the president being one, shall be deemed a competent board for the purpose of discounting notes, drafts, or other bills.

### ARTICLE V.

The stock of said company shall be assignable and transferable according to such rules as shall be instituted in Stock assignable &c. that behalf by the laws and ordinances of the said corpo-

ration. - The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively, and shall enable such assignee or assignees to bring, and maintain an action thereupon in his, her, or their own name or names, and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under seal of the said corporation, shall be binding and obligatory on the same in like manner, and with the like effect, as upon private person or persons if issued by him or them in their natural or private capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by any private person or persons, payable to any person or persons, his, her, or their order, shall be assignable and negotiable by indorsement in like manner, and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable or assignable by delivery.

#### ARTICLE VI.

The total amount of debts which the said corporation shall at any time owe, whether by bond, bill, note, or other contract shall not exceed double the amount of the capital paid in ; *Provided* the money deposited in the bank of said company for safe keeping, shall not be considered as the debts of said company, within the provision of this clause ; and in case of excess the directors under whose administration it shall happen, shall be liable for the same in the manner prescribed by the third article of this section, unless absent or dissenting from the resolution or act, by which such excess was created, in which case he or they so dissenting may be exonerated from such liability in the manner prescribed in said third article of this section.

#### ARTICLE VII.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith—mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or pur-

chased at sales on judgments, which shall be obtained for such debts.

#### ARTICLE VIII.

The corporation shall not directly nor indirectly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion or in the sale of goods which shall be the produce of its lands; nor shall the said corporation take more than at the rate of six per cent. per annum, for or upon its loans or discounts.

#### ARTICLE IX.

In the appointment of a cashier of the said corporation, the votes of seven of the directors shall be necessary to a choice; and every cashier before he enters on the duties of his office, shall be required to give bond with two or more sureties, to the satisfaction of the directors, in a sum not less than forty thousand dollars, with conditions for his good and faithful discharge of the duties of his office.

#### ARTICLE X.

Each director or cashier of said corporation, before he enters on the duties of his office shall take the following oath or affirmation, as the case may be, I do swear (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the law and the trust reposed in me, according to the best of my skill and understanding.

13. *And be it enacted*, That this act shall be, and continue, in force for and during twenty years from the passing thereof, and no longer.

14. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths (or affirmations,) and under seal of the corporation, annually, to lay before the legislature of this state, a statement of the amount of its capital stock paid in, and of its notes, debts and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be for ever at an end.

15. *And be it enacted*, That the company hereby created shall have the privilege of increasing their capital

*May increase  
the capital.*

stock to two hundred and fifty thousand dollars, so soon as they may deem it necessary, they having first paid into the treasury of this state, the sum of three thousand dollars, as a consideration therefor.

*Bonus to be  
applied to the  
School Fund,  
and taxes to  
be paid on  
capital.*

16. *And be it enacted,* That the said company shall pay to the treasurer of this state, before it shall commence banking operations, the sum of four thousand dollars, to be appropriated by him to the School fund; and further, shall pay annually into the treasury the sum of one half of one per cent on the capital sum subscribed, and which shall be paid in; to be collected in case of default in the manner prescribed in the act entitled "An act to tax Bank stock," passed the second day of November, one thousand eight hundred and ten, or according to any other legal provision in such case.

*To redeem  
their notes in  
specie, &c.*

*Penalty on  
non compli-  
ance.*

17. *And be it enacted,* That if at any time after the passing of this act, the said president, directors, and company, should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, and other evidences of debt, issued by the said corporation, and which shall be due and payable; the said president, directors, and company shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said president, directors, and company, shall resume the redemption of their said bills, notes, and evidences of debt, in specie or other lawful money of the United States; and the said bank, shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand, as aforesaid, damages for the non-payment thereof, at and after the rate of ten per cent. per annum, from the time of such demand, and until the same shall be paid as aforesaid, or otherwise satisfied.

18. *And be it enacted,* That it shall not be lawful for the said bank, to issue any notes or bills, until an affidavit by the president and cashier, shall have been made and filed in the office of the secretary of state, that fifty per cent. of the capital stock, of the said corporation has been subscribed, and the amount thereof paid in specie; And further, that the said company shall not issue any bill or note, or other instrument to be circulated as such, pay-

able in any kind of property, or commodity, except specie or other lawful money of the United States, or at any other place except the office of the said company.

C. Passed December 11, 1824.

**A SUPPLEMENT** to the act entitled "An act concerning Divorces and for other purposes, passed the sixteenth of February, one thousand eight hundred and twenty.

1. BE IT ENACTED by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all suits in the court of chancery, for divorces, may be commenced by filing a petition with the clerk of the court, which petition shall plainly and fully state the cause or causes of the application for such divorce, and the relief prayed—and the complainant shall make his or her oath or affirmation to be annexed to the said petition, that his or her complaint is not made by any collusion between him or her, and the defendant, for the purpose of dissolving their marriage, but in truth and good faith, for the cause or causes set forth in the petition.

Petition to be filed with the clerk.

2. *And be it enacted,* That upon filing the said petition, the clerk shall, if required, make out a certified copy thereof, to be served on the defendant, and issue a citation under the seal of the court, for the defendant to answer the said petition on or before the first day of the next stated term of the court, which citation shall bear date the day of issuing thereof, and be tested in the name of the chancellor.

Clerk to make out copy if required.

3. *And be it enacted,* That it shall be the duty of the sheriff or coroner, as the case may require, of any county in this state, to whom any such citation and certified copy of the petition shall be directed or delivered, to serve the same, and to make return of the said citation, at the time and place therein mentioned, which shall be filed by the clerk.

4. *And be it enacted,* That every such citation shall be served, either by delivering to the defendant a copy thereof, together with a certified copy of the petition, or by leaving the said copies at his or her dwelling house or

usual place of abode, at least twenty entire days before its return.

**Answer of petition to be filed in a specified time.**

5. *And be it enacted*, That on a citation being returned "served" or "cited," by the sheriff or coroner, as the case may require, the defendant shall on the day mentioned therein for him or her to answer the said petition, or within three days thereafter, file his or her answer to the said petition; unless the court shall grant the defendant further time for that purpose, and which answer, shall plainly and fully set forth the cause or causes of his or her defence, and shall be signed by the defendant, but not sworn to; after which, without any replication or further pleadings or rule, the parties shall proceed to take their evidence as in other cases in the court of chancery, so that the cause may be heard at the next stated term thereafter, unless the court for good cause, and upon such terms as shall be considered by the court, just and reasonable, shall think proper to put off the hearing thereof to another term.

6. *And be it enacted*, That if a defendant upon the citation being returned "served" or "cited" as aforesaid, shall not file his or her answer to the petition, within the time limited by this act, or granted by the court; the court may make an order that the petitioner proceed to take depositions and other evidence to substantiate and prove the allegations in the petition, and to bring on the hearing of the cause ex parte,

**Advertised, &c. &c.**

7. *And be it enacted*, That in case a petition as aforesaid shall be filed, and it shall be made to appear by affidavit or otherwise, to the satisfaction of the chancellor, that such defendant is out of this state, or cannot upon due inquiry be found therein, or that he or she conceals himself or herself, within this state; the chancellor may thereupon by order, direct such defendant to answer the said petition, at a certain day therein named, not less than two nor more than six months from the date of such order, which order shall within twenty days thereafter be served on such defendant, by a delivery of a copy thereof, to him or her, or by leaving it at his or her dwelling house or usual place of abode, or be published in one of the newspapers printed in this state, and designated in such order and continued therein for four weeks successively, at least once in every week, and shall be published in such other manner, as the particular circumstances of the case may require; if in the

opinion of the chancellor, any other or further publication shall be necessary ; and in case such defendant shall not file his or her answer within the time so limited, or within some further time to be allowed by the chancellor, on proof of due service or publication of the said order, the court may order and direct the petitioner to produce depositions or other evidence to substantiate and prove the allegations in the petition ; and the said petitioner may then proceed ex parte, and bring on the hearing of the said cause.

8. *And be it enacted,* That if in the opinion of the Chancellor may refer to any matter of fact shall render the intervention of a jury necessary, in any suit or proceeding for a divorce, then the court of chancery is hereby authorized to direct an issue for the trial of the same in the supreme court, or one of the circuit courts of this state.

9. *And be it enacted,* That no petition, citation, answer or other proceedings under this act, shall be set aside, or otherwise annulled or made void for any defect in matter of form, or for any mistake or omission not affecting the real merits of the cause ; and the chancellor may permit, either party, to amend his or her petition, answer, or other proceedings in the cause, either in matters of form or substance, and proceed to give judgment according to the merits of the case.

10. *And be it enacted,* That in all cases where the proceedings shall be under or by virtue of this act, it shall and may be lawful for the chancellor, where not otherwise herein directed, to proceed as directed and allowed by the act to which this is a supplement, and to make such decree as thereby authorized ; which decree shall be carried into effect in the manner therein directed and provided for, and the court is hereby invested with all powers, necessary to the conducting and finally determining such cases, according to the true intent and meaning of this act, and the act to which this is a supplement.

11. *And be it enacted,* That when any cause shall be finally determined, which shall be commenced in the manner provided for in this act, the clerk of the court of chancery shall enter together in order, the petition, answer, decretal orders, reports, and final decree in such cause in his book of decrees, to be signed by the chancellor.

12. *And be it enacted;* That there shall be allowed in

## Fees.

the taxation of costs, for the petition, the sum of one dollar ; for the answer, the sum of one dollar ; to the clerk for the citation and certified copy of the petition, seventy five cents ; and to the sheriff for serving and returning the citation, one dollar and fifty cents ; and to the examiner for taking the examination of every witness, for each sheet ten cents, and for certifying every exhibit shown to a witness, ten cents ; and that no other or greater fees shall be allowed for the said services.

13. *And be it enacted,* That whenever any poor person shall have cause of suit under this act, or the act to which this is a supplement, and shall make an affidavit or affirmation, that he or she is not worth one hundred dollars clear estate ; the chancellor may at his discretion, assign to such poor person, a solicitor and counsel learned in the law, to prosecute the said cause, who, together with all other officers, shall perform their respective duties therein, without fee or reward.

C. Passed December 13, 1824.

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A SUPPLEMENT to the act entitled "An act to establish state banks in New Jersey" passed January twenty eighth, one thousand eight hundred and twelve.

## Preamble.

THE president, directors, and company of the State bank at Morris, having made it appear that they pay a tax on one hundred thousand dollars, as the amount of their monied capital, whereas the actual amount of their capital employed for banking purposes is only sixty eight thousand dollars.—The remaining part, thirty two thousand dollars, being in lands and real estate necessarily taken in the ordinary course of business for bad debts, occasioned by the depression of property, and which pays the customary land taxes, thereby subjecting the same property to one tax as monied capital and to another tax as landed property, which is oppressive—For remedy WHEREOF,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the president, directors, and

company of the State bank at Morris, shall pay a tax the present year, to the state on sixty eight thousand dollars, being the actual amount of their banking capital, exclusive of their landed property.

2. *And be it enacted*, That the president, directors, To make annual report to the treasurer, and company of said bank, shall hereafter make a report to the treasurer of this state, on or before the first Monday &c. of December in each and every year, under the oath of the president and cashier, of so much of the lands and real estate now owned by said bank, which shall hereafter be sold, until the whole is sold ; and the amount of such sales, shall yearly, and every year, be considered as a part of the banking capital, and pay taxes accordingly.

A. and C. Passed December 14, 1824.

**AN ACT to authorize the executrix of Robert Fulton, deceased, to sell and convey certain real estate.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Charles Augustus Dale, and Harriet his wife, which said Harriet was formerly the wife of Robert Fulton, late of the city of New York, deceased, and is now the sole surviving executrix of the last Will and Testament of the said Robert Fulton, deceased, are hereby authorized to sell and convey, in connexion with Cadwallader D. Colden, of the city of New York, to George Dummer of the city of New York, merchant, and to his heirs and assigns for ever, all that certain block of land, containing about two acres of land, known upon the map of the town plat of the town of Jersey, in the county of Bergen, by block No. (28) twenty eight, on the condition that the said George Dummer, his heirs or assigns, shall and do pay yearly and every year, from and after the first day of May, one thousand eight hundred and twenty four, to whomsoever of right the same may be coming, the sum of three hundred and sixty dollars, the amount of the annual rent reserved on the said block in the original grant or conveyance from the associates of the Jersey company, to the said Robert Fulton and Cadwallader D. Colden, bearing date the thirteenth day of February, in the year of our Lord one thousand eight

hundred and twelve; or shall in any other manner legally extinguish the claim of the said company, or any other person or persons, to the said annual ground rent against the said Cadwallader D. Colden, and the estate of the said Robert Fulton.

*2. And be it enacted,* That the said Charles Augustus Dale, and Harriet his wife, are hereby further authorized to sell and convey to any person or persons, body politic or corporate, their heirs, successors or assigns, for ever, all the one equal undivided half part of the residue of all those lots, blocks, pieces or parcels of land and premises, situate, lying and being in the town of Jersey, in the county of Bergen, and State of New Jersey, commonly called Powles Hook, that were granted and conveyed by the associates of the Jersey company to the said Cadwallader D. Colden and Robert Fulton, by indenture bearing date the thirteenth day of February, in the year of our Lord one thousand eight hundred and twelve, subject to the annual rent, charged upon the same—*Provided always*, that the said Charles Augustus Dale, and Harriet his wife, shall sell the same, at public or private sale, for the highest price that can be had and obtained for the same.

*3. And be it enacted,* That the said Charles Augustus Dale, and Harriet his wife, shall, out of the proceeds of the said sale, first repay to the said Cadwallader D. Colden, the amount or proportion of the rent he has paid for the estate of Robert Fulton, deceased, and the interest thereon.

*4. And be it enacted,* That the said Charles Augustus Dale, and Harriet his wife, shall within six months after the sale of the residue of the said real estate, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, an exact statement of the amount of the sale or sales of the residue of the said estate, and of the moneys arising therefrom, and shall report the same to the next Orphans' court to be held in and for the said county.

*5. And be it enacted,* That the monies arising from the said sale or sales, after a reasonable allowance to be made by the said Orphans' court for the services of the said Charles Augustus Dale, and Harriet his wife, shall remain as part of the residuary estate of the said Robert Fulton, deceased,

and be disposed of as his residuary estate is therein and thereby directed to be disposed of.

6. *And be it enacted*, That no deed of conveyance of the residue of such real estate made by the said Charles Augustus Dale, and Harriet his wife, shall be valid unless it be certified in or upon such deed or conveyance, by William S. Pennington, Theodore Frelinghuysen and Elias Van Arsdale or any two of them, or the survivor or survivors of them, that such sale was made bona fide and for the highest price that could be reasonably obtained for such real estate at the time of sale.

7. *And be it enacted*, That no sale, made by virtue of this act shall affect any lien or claim upon the said real estate, other than that of the widow and heirs at law of the said Robert Fulton deceased, or any existing contract or covenant with the said company.

C. Passed December 15, 1824.

### AN ACT to incorporate "The Jersey Glass Company."

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That George Dummer, Joseph K. Milnor, and William G. Bull, their present and future associates, their successors and assigns, be, and they are hereby created a body corporate and politic, by the name of, Style of the Incorporation "The Jersey Glass Company," and are hereby ordained, constituted, and declared to be a body politic and corporate in fact and in name, for the purpose of manufacturing glass at the city of Jersey; and by that name they and their successors shall and may hereafter have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors, may have a common seal, and make, change, and alter the same at their pleasure, and also that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real and personal for the use of the said corporation.—

Powers, privileges, &c.

Proviso.

*Provided*, that the real estate, so to be holden, shall be such only as shall be necessary to promote or attain the objects of this incorporation, or which they may take in payment and satisfaction of debts contracted.

Amount of capital stock may be increased.

2. *And be it enacted*, That the capital stock of the said corporation may be at present fifty thousand dollars.—And if at any time hereafter, the said company shall deem it beneficial, to extend their business, the said capital may be increased as much as may be deemed necessary ; not, however, to exceed two hundred thousand dollars in the whole—that a share of the said stock shall be twenty five dollars ; and that the stock of the said company shall be deemed and considered personal estate : *Provided always*, That said company shall confine themselves to the manufacturing of glass at the city of Jersey.

Directors, President, &amp;c.

3. *And be it enacted*, That for the better carrying into execution the privileges granted by this act, there shall be, for the present, three directors, who shall hold their office until the first Monday of May next, and until others shall be elected in their stead ; that the first directors shall be George Dummer, Joseph K. Milnor, and William G. Bull ; out of which number the said directors at their first meeting shall appoint their President, and have power to transact business.

May make by-laws, &amp;c.

4. *And be it enacted*, That the said corporation and their successors, shall have full power to make, constitute, ordain and establish, by and with the consent of a majority in value, of the persons interested in the said company, such by-laws, rules, ordinances and regulations, as they from time to time shall judge proper for the election of directors, and the number of directors, not exceeding eleven, which they may judge necessary to conduct the affairs of the company, their duration in office, and the time and manner of their election ; and the directors above named or their successors in office, shall have power to make, constitute, ordain and establish all other by-laws, rules, ordinances and regulations for the transaction of the business of the said company, not repugnant to the constitution and laws of the United States, or of this state :—*Provided*, That all contracts, engagements, and responsibilities entered into on the part of the said company, and all contracts signed by their president, shall be binding on the said company, in like manner as any contract would be, if made and entered into by any individual.

Manner and time of election.

5. *And be it enacted*, That the said company shall not employ any part of their funds or capital stock in banking operations, nor shall issue any bills of credit or negotiable securities payable to bearer only ; but any note, bill or other security, made, given, issued or negotiated by the said company, shall be payable to the order or assigns of the payee therein named, and shall be in writing, and not printed, or such securities as aforesaid shall be void.

6. *And be it enacted*, That it shall be lawful for the Legislature at any time, hereafter to alter, modify, or repeal this act.

C. Passed December 17, 1824.

**AN ACT to improve the navigation of Great Timber Creek, in the county of Gloucester.**

WHEREAS it is represented by the petition of a large number of the citizens of the county of Gloucester, that the clearing out and improving the navigation of Great Timber Creek, would tend to the public benefit ; THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Benjamin Tomlinson and his associates, of said county, to erect and make a lock or locks, and dam or dams, at or near the forks of said creek, or above the floodgates on said creek, above Chew's Landing ; and also to make, erect and maintain, as many locks and dams as they shall find necessary to improve the said navigation, up to the said Benjamin Tomlinson's upper mill ; *Provided always*, That no authority be hereby given to the said Benjamin Tomlinson and his associates, to lay any obstructions in the said navigation to prevent the several owners along the said creek from erecting any mills or factories thereon.

2. *And be it enacted*, That it shall and may be lawful for the said Benjamin Tomlinson and his associates, to drive piling and spikes, planks on the flats, in said creek, between the said lock which he is hereby authorized to erect above Chew's Landing on said creek, at any proper places; and to cast banks in such places as may be necessary to improve the navigation, and from time to time to remove all logs, wood, underwood, sticks, brush or rubbish, and earth of any kind whatever, and to lay them on the bank of said

Lock, &c.  
authorized,  
&c.

Improve the  
navigation &c.

creek : *Provided always*, that in executing the authority extended to him by this act, he do no unnecessary injury to the adjacent proprietors, or their lands.

To receive  
tolls, &c.

3. *And be it enacted*, That after the navigation of the said creek be completed and made fit for use by the said Benjamin Tomlinson and his associates, they, the said Benjamin Tomlinson and his associates, shall be entitled to have and receive the following tolls; that is to say, for every cord of wood carried along said improved navigation, five cents per mile ; for every thousand feet of lumber, five cents per mile ; for every hundred bushel of coal, ten cents per mile ; for every four bushels of turnips, potatoes, corn, wheat, or other grain, one cent per mile ; and for all other goods as near the above rates as possible ; and if carried in the boats of the said Benjamin Tomlinson and his associates, double the above rates.

4. *And be it enacted*, That if the said Benjamin Tomlinson and his associates, shall think it necessary for the free navigation of said creek, to remove and prostrate the floodgates at Chew's Landing on said creek, the said Benjamin Advertise the shall cause to be made a public notice or advertisement of prostration of floodgate, &c. his intentions to remove and prostrate the said floodgates at the end of three calendar months from the date of such notice ; a copy of which notice shall, for the space of nine weeks, be inserted in a newspaper published in the town of Woodbury, in the said county, one other copy thereof shall be affixed at a public place at Chew's Landing aforesaid, and one other copy at the door of the Court house of said county, for the space of nine weeks ; and within fifteen days after the end of three calendar months, after the date of said notice, the said Benjamin Tomlinson may apply to any judge of the court of common pleas of said county, who is hereby authorized and required, on due proof of such notice having been given as is required by this act, to grant in writing permission to the said Benjamin Tomlinson to remove and prostrate said floodgates ; *Provided always*, That no person or persons shall, in the manner hereinafter directed, have made any objections to such prostration or removal ; and on such written permission, having been granted to the said Benjamin, by the said judge, it may be lawful for the said Benjamin to remove and prostrate said floodgates.

5. *And be it enacted*, That if any person or persons, inhabitants of said county of Gloucester, and freeholders within the same, and interested in the navigation of said creek,

shall allege that he, she or they, will sustain damage by the removal and prostration of said floodgates, and object thereto, and shall within the time of said three months notice aforesaid, file in the clerk's office of said county a caveat against the removal of said floodgates; of the filing of which caveat the said Benjamin and his associates are Caveat, &c. hereby required to take notice; it shall not in such case be lawful for the said Benjamin Tomlinson and his associates, to proceed to the immediate prostration and removal of said floodgates as is provided by the fourth section of this act.

6. *And be it enacted,* That on the filing of said caveat in the clerk's office as aforesaid, which caveat shall contain in substance an allegation that the person or persons filing the same will be aggrieved, or sustain damages, by the prostration or removal of said floodgates, the said Benjamin Tomlinson shall, within fifteen days after the three months aforesaid file an answer to said caveat, whereby he may deny that any such damage or injury will accrue to the person or persons filing such caveat as ought to prevent the removal of said floodgates, and pray that the same may be decided by the verdict of a jury; on which answer filed, it shall be lawful for the said Benjamin Tomlinson to make application to any justice of the supreme court of judicature of the state, who shall be in such case authorized and required, to cause a jury to be selected from the freeholders of said county, on like notice to the adverse party, and to be conducted in like manner as is now provided for by law in the selection of struck juries for the trial of issues joined in courts of common law; a copy of which list, delivered by the said Benjamin to the sheriff of the county of Gloucester shall authorize the said sheriff, without other process, to summon the jury so struck to meet in ten days after the same shall have been so struck: *Provided* the said tenth day do not happen on the first day of the week; in which case the said jury shall meet the next day, at the hour of eleven o'clock in the forenoon, at the Court house, in said county; which jury, under the sheriff who shall act as presiding officer, as in case of inquest at common law, shall be duly sworn or affirmed to try the issue joined between the parties; and the said jury shall, under their hands and seals, determine whether the person or persons filing such caveat as aforesaid, will sustain, by the removal of the aid floodgates, such damages as ought to prevent the removal thereof without compensation first paid to such person or persons; and this jury

Caveat to be filed and also  
the answer, &c.

A struck jury  
to be raised  
on certain  
conditions.

shall make return of their verdict to the sheriff, who shall cause the same to be filed in the clerk's office of said county, and shall be final and conclusive to all parties.

*7. And be it enacted,* That if the verdict of the said jury shall be rendered in favor of the person or persons filing such caveat as aforesaid, that he, she or they, will be aggrieved and will sustain damages in case such floodgates should be removed; it shall be further the duty of the said jury to assess and determine the amount of the damages which the said Benjamin Tomlinson and his associates ought to pay for the removal of the said floodgates, and in what proportion among those who sign the caveat, if more than one have signed the same; and it shall not be lawful in such case for the said Benjamin Tomlinson and his associates to prostrate or remove the said floodgates until the said money awarded be paid respectively to the said person or persons to whom the same, by the said verdict is ordered to be paid, or to their executor or executors, or other legal representative, or assigns, if willing to receive the same; or if the same be refused by him, her, them, or any of them, the said Benjamin Tomlinson is hereby required to deposit the same moneys in the clerk's office until called for by such person or persons; and on payment or deposit of the said moneys, it may be lawful for the said Benjamin immediately to prostrate and remove the said floodgates; and if said verdict be rendered in behalf of the said Benjamin Tomlinson, that no such injury will accrue to the person or persons who may have filed said caveat, and no sum of money shall be awarded by the said verdict to be paid, it may be lawful for the said Benjamin Tomlinson and his associates immediately to prostrate or remove the said floodgates.

Verdict to be carried into effect.

Grievances, how redress-  
ed.

*8. And be it enacted,* That if any person or persons shall think him, her, or themselves aggrieved, by any thing which may be done by the said Benjamin Tomlinson and his associates, in clearing out the navigation of said creek, or in erecting any lock or locks, dam or dams, in the same, or in any other matter or thing which may be done under color of this act, such person or persons may, in case he, she or they cannot agree with the said Benjamin Tomlinson and his associates, on the amount of the sums to be paid, apply to one of the justices of the supreme court, and make his complaint of such grievances, who, at the costs and charges of said Benjamin Tomlinson and his associates, shall thereupon cause a special jury of the freeholders of

said county to be struck before him, whose duty it shall be to assess and determine what damages, if any, have been sustained by such person or persons so applying as aforesaid; and if such verdict should be less than the said Benjamin Tomlinson and his associates hath before offered in satisfaction for said damages, then one half of all the costs of such suit shall be paid by the said complainant or complainants, which verdict shall be final and conclusive to all parties, and shall be performed and complied with by said Benjamin Tomlinson, and that the manner of proceeding before the said jury, the mode and time, and place of transacting the business before them, and the like notices in all respects, shall be observed as are herein before required, in and by those parts of this act, as relate to the jury to be concluded before the prostration and removal of the floodgates aforesaid.

*9. And be it enacted,* That the said Benjamin Tomlinson and his associates shall complete the clearing of the said navigation; within six years from the first day of January next, or all the privileges hereby granted to them shall cease and become null and void.

C. Passed December 17, 1824.

A SUPPLEMENT to an act entitled "A supplement to the act entitled, An act for the preservation of clams and oysters," passed on the ninth day of June, one thousand eight hundred and twenty, which said Supplement was passed on the eighth day of December, one thousand eight hundred and twenty three.

WHEREAS it is represented that the putting up of stakes as provided by the act to which this is a supplement, of a size sufficient to resist the ice, may be injurious to public navigation, or may be very difficult to be preserved from destruction or removal—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in coves and places where notorious and plain ranges, or land marks, can be erected and established on contiguous shores, whereby the bound-

Qualification  
of a former  
act.

aries of planted beds of oysters may be clearly known and distinguished, without danger or mistake, and where in such coves or places, such notorious or plain ranges, or marks, on contiguous meadows, or shores, shall have been erected and established by stakes or other plain monuments, so that they may be plainly known and distinguished without danger of mistake, and due notice thereof being given; that then, and in such cases, the provisions of the act aforesaid in regard to the planting and setting up of stakes may be dispensed with, in respect to such places as above described.

C. Passed November 18, 1824.

**AN ACT** to authorize the board of chosen freeholders of the county of Salem, to erect a bridge over Stoe Creek.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the board of chosen freeholders of the county of Salem, be, and they are hereby authorized to erect a bridge over Stoe Creek, about fifteen rods below the main stopping of the said Creek, so that it may correspond with a public road which has been laid out, leading from the Greenwich road to Stoe Neck.

C. Passed November 18, 1824.

**AN ACT**, to dissolve the marriage contract between Jane Swezey and her husband Stephen Swezey.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract between Jane Swezey and her husband, of the county of Morris, be, and the same is hereby dissolved and made of no effect, as fully to all intents and purposes, as if they had never been joined in matrimony.

C. Passed November 24, 1824.

**AN ACT** directing the mode for choosing a place in the county of Gloucester at which the Court House, Jail and other necessary buildings shall be located.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the inhabitants of the county of Gloucester, qualified to vote in elections for members of the state legislature, be, and they are hereby authorized and required to choose, by a majority of votes, by ballot, a place in said county, at which a court house, jail and other necessary public buildings may be erected, either at Woodbury, or at, or within one mile of Camden, in said county.

**2. And be it enacted,** That the said election shall be opened on Tuesday the eighth day of February next, at the places in the several townships of said county respectively, where the election of members of the legislature for the said county was last held; and shall be conducted, continued and concluded according to the times, and in the mode prescribed by the act of the legislature, regulating elections of members of the legislature, so far as the said act is not herein after altered or supplied; and the said court house, jail and other necessary public buildings shall be built at the place in said county which shall have a majority of the whole number of votes taken.

**3. And be it enacted,** That the clerk of each township in said county shall advertise the time and places of holding said election, agreeably to the directions of the act regulating elections, before referred to, at least fifteen days before the day of said election.

**4. And be it enacted,** That the respective officers acting at said election, shall, severally, before they receive any vote, take the oath or affirmation prescribed for them in the laws of this state, regulating elections for members of the legislature.

**5. And be it enacted,** That the judges and inspectors of said election, in the respective townships, shall on or before the hour of three o'clock in the afternoon of the Saturday next after the day of election, deliver or transmit to the clerk of the court of common pleas of said county, their respective certificates of the whole number of votes taken in their respective townships and the number taken

for each place, together with the list of voters whose votes were taken at said election, in their respective townships; which certificates and lists shall be filed by the said county clerk, who shall, in the manner prescribed by law, faithfully count the said votes, and the place having a majority of the whole number of votes so taken, he shall certify to the board of chosen freeholders, at their next meeting, under his hand and seal; and the same shall be entered on the book of their minutes, in words at length.

6. *And be it enacted,* That the officers at said elections, and the clerk of said county, shall be entitled to the same fees as for the like services they are entitled to by the act before referred to, to be paid by the county collector; and the clerk of said county shall be allowed, for his extra services required by this act, such further sum as the said board of chosen freeholders, at their next meeting, shall deem just.

7. *And be it enacted,* That all officers and others acting under this law, shall, for every breach or neglect of duty, or other violations of the laws, be liable to the same penalties and prosecutions as are provided by the act for regulating the election of members of the legislature and other officers therein mentioned.

8. *And be it enacted,* That, to raise money for erecting the said several public buildings, and for purchasing a lot to build on, if necessary, the assessors and collectors of said county may and shall, in their several townships, assess and collect, from time to time, such sums of money as the board of chosen freeholders of said county shall direct; which money shall be paid to the county collector, who is hereby required to pay out the same, for the purposes aforesaid, agreeably to the directions of the said board: and if any assessor or collector shall neglect or refuse to perform any duty required of him under this act, he shall be liable to the same fines and penalties as are inflicted by the act entitled, "An act to incorporate the chosen freeholders in the respective counties of this state," passed the thirteenth day of February, one thousand seven hundred ninety eight; and the act entitled, "An act concerning taxes," passed the tenth day of June, seventeen hundred ninety nine; and the several officers in the said acts mentioned are hereby required to perform the several duties enjoined on them in this act, or resulting

from it, under the same penalties as in the said several acts are imposed; and they shall be allowed such fees as are paid for assessing and collecting the county taxes.

9. *And be it enacted*, That a majority of the chosen freeholders of the said county are hereby authorized and required, in their corporate name, for the use of the county, (in case a majority of said votes shall not be in favor of Woodbury) to purchase a lot on which to build the intended public buildings, and to appoint one or more manager or managers for superintending the building thereof, at the place chosen in manner aforesaid; and to take all such measures for completing the same in the best manner, for the good of said county, as shall to them appear most eligible; and that all persons to be entrusted with any public money of the county, by order of a majority of the said board, shall be accountable to them for the expenditure thereof, as by law they are obliged to account for other money of said county.

10. *And be it enacted*, That in case Camden, or any place within a mile thereof, in said county, be the place chosen at said election, at which to erect the said public buildings ; Zacheus Ray of the county of Salem, John Evans of the county of Burlington, and Daniel Lake of the county of Gloucester, are hereby appointed commissioners to receive proposals, and to determine the site for erecting the said public buildings ; which commissioners shall meet at Camden within twenty days next after the said election, and then and there receive proposals from any person or persons offering, for a site for the erection of said public buildings, within Camden or a mile thereof, in said county ; and the said commissioners, or a majority of them, shall within forty days next after said election, determine and fix the site for the erection of said public buildings, and shall sign and deliver forthwith, to the clerk of said county, a certificate of their proceedings, to be filed in his office.

11. *And be it enacted*, That the said board of chosen freeholders shall at their first meeting at which a majority of them shall attend, after the site aforesaid is determined, enter upon the performance of the several duties required of them by this act : *Provided*, that if the town of Woodbury be the place chosen for the said public buildings, all powers of the said board under this act shall cease.

12. *And be it enacted*, That the courts of common pleas and general quarter sessions of the peace, in and for

the said county, shall be held at the said Court house, at their next terms after the same shall be ready: and all writs, processes and other proceedings depending or made returnable thereto, shall be valid in all respects, any law, usage or custom to the contrary notwithstanding.

C. Passed November 25, 1824.

**A SUPPLEMENT to the act entitled "An act to erect the southwesterly part of Sussex county, into a separate county, to be called the county of Warren."**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the judges, justices of the peace, sheriff, under sheriff, coroners, constables and all other officers or persons in office, at the time of the passing of the act to which this is a supplement, within the former limits of the county of Sussex, shall continue to hold, exercise and enjoy their several and respective offices and appointments, with all the power and authority, privileges and emoluments thereunto belonging, within the former limits of said county, until the first day of January next; and all courts at the time of the passing of said act existing and being within the former limits of the said county of Sussex, shall continue to have and exercise jurisdiction within the same until the first day of January next, in the same manner as if the act to which this is a supplement had not been passed.

The persons  
now in office  
to hold the  
same for a  
certain period.

The acts to be  
valid, &c.

2. And be it enacted, That all judgments, proceedings, acts, matters and things had, made, executed, done or performed by the said courts or officers or any of them in the preceding section mentioned or referred to, within the former limits of the said county of Sussex, since the passing of the act to which this is a supplement, shall be good, valid and effectual to all intents and purposes, as if the said act had not been passed; and all actions, suits, appeals, prosecutions, and proceedings of any nature whatsoever commenced, or that may be commenced, or depending in any court or before any justice of the peace within the former limits of the said county of Sussex, before the said first day of January next, shall in no wise be affected by the said act, to which this is a supplement, but the same

shall and may be continued and prosecuted to a final determination, and judgment and execution be had thereupon in the same manner, as if the said act to which this is a supplement had not been passed; any thing in the said act contained to the contrary notwithstanding.

3. *And be it enacted*, That from and after the said first day of January next, and until their respective terms <sup>The officers referred to in the 1st section to hold their</sup> of office, in and for the said county of Sussex shall expire, the said officers in the first section of this act, mentioned and referred to, who are resident within the bounds of the commissions county of Warren; and all and every of them shall hold, &c, till the exercise and enjoy their respective offices, with all the power and authority, privileges and emoluments thereunto belonging, within the limits of the said county of Warren, <sup>as officers of the respective offices expire.</sup> as officers of said county as fully and effectually to all intents and purposes, as if they had been duly and legally elected and appointed to their said offices respectively, within the said last mentioned county.

4. *And be it enacted*, That from and after the first day of January next, the present sheriff of the said county of Sussex, in person or by his under sheriff or deputy, shall execute all writs to him or them directed and delivered, as well within the said county of Warren, as within the said county of Sussex, and make return thereof, to the respective courts to which the same are or shall be made returnable; and shall continue to act in his official capacity in all respects, as sheriff of the said county of Warren, as well as of the said county of Sussex, until the next annual election; any law, usage, or custom to the contrary notwithstanding.

5. *And be it enacted*, That the jail of the said county of Sussex, be, and it is hereby constituted a jail for the confinement of all prisoners of the said county of Warren, until the inhabitants thereof shall build a jail for the said county; and the sheriff or other officers of the said county of Warren, having the lawful custody of any prisoner or prisoners, are hereby authorized to confine him, her or them in the jail of the said county of Sussex; and the keeper of the said jail is hereby required to receive and safely keep all such prisoner or prisoners in the same manner, as if the act to which this is a supplement had not been passed, until such prisoner or prisoners shall be demanded by the sheriff or other proper officer of the said county of Warren, or be otherwise discharged by due course of law.

Jailor to be  
compensated

6. *And be it enacted*, That the keeper of the jail, of the said county of Sussex, shall be entitled to demand and receive from the board of chosen freeholders of the said county of Warren, such fees and compensation for the support of the said prisoners of the county of Warren, as are or shall be allowed by law in similar cases.

A. Passed November 27, 1824.

**AN ACT to enable the executors of William Richards,  
deceased, to make title to certain real estate.**

WHEREAS William Richards late of the county of Burlington, deceased, did, during his life time, contract to convey, in fee simple, unto William Lippincott, Benjamin W. Richards, Edward York, Benjamin Say, and William York, certain real estate, hereinafter described, situated in the county of Gloucester, but died before the performance of the said contract, and his Will contains no provision in relation to the same: *And whereas* his executors have by petition represented, that difficulties may arise in perfecting said contract, in consequence of one of their number, namely, Benjamin W. Richards being a party thereto; *and further* that serious inconvenience will arise to the estate of their testator, and to the contracting parties, unless the remaining executors, namely, Samuel Richards, Thomas Richards, and Jesse Richards be authorized by an act of the Legislature, to execute a deed in performance of the said contract—Now THEREFORE,

1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Samuel Richards, Thomas Richards, and Jesse Richards, three of the executors of William Richards, deceased, be, and they are hereby authorized to execute, in due form of law, a deed of conveyance, in fee simple, to William Lippincott, Benjamin W. Richards, Edward York, Benjamin Say and William York, of, and for all that certain mill seat, situate in the township of Galloway, county of Gloucester and state of New Jersey, commonly called pleasant mills, together with the mill stream and pond, and all the water rights in

and to the same; also two hundred acres of land adjoining the said mill seat, stream and pond, exclusively of that now and generally covered with water, together with three mills now thereon standing, the dwellings and other buildings, and all other appurtenances of the said mill seat; and also for a certain other mill seat situate in the township of Galloway, county of Gloucester, and state of New Jersey, on the Batsto forge stream, commonly known as the site of the old Batsto forge, together with the mill stream and pond, and all the water rights, in and to the same; also one hundred acres of land adjoining the said mill seat, stream and pond, exclusive of that now or generally covered with water, together with the right of directing the water of the said Batsto forge stream, from its present accustomed course, and conducting the same through the lands of the said William Richards, his heirs and assigns to the pleasant mills stream, before mentioned, or of conducting the waters of pleasant mills stream into the Batsto forge stream, in the same manner—and that such conveyance shall be as good and effectual in the law, as if it had been executed by the said William Richards, during his life time, or as if special authority were given in the Will of the said William Richards to execute the same.

C. Passed December 1, 1824.

**AN ACT to authorize James Woolley and Elizabeth Van Outerstrip, to inherit certain real estate.**

WHEREAS Anna Norcot (late Anna Grover, the illegitimate daughter of James Grover,) of the county of Monmouth, died, seized in fee simple, of a certain lot or tract of land, situated in the township of Middletown, in said county, and without having left any lawful heir or heirs to inherit the same.—AND WHEREAS the said James Woolley and Elizabeth Van Outerstrip are the illegitimate children of the said Anna Grover, deceased, THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said James Woolley and Elizabeth Van Outerstrip, as such illegitimate children of

the said Anna Norcot, (late Anna Grover) shall for ever hereafter hold and enjoy the said lot or tract of land with the tenements and hereditaments thereunto belonging, to them, their heirs and assigns for ever, as a full and perfect estate of inheritance, in fee simple, as though the same had descended to them as the lawful heirs at law of the said Anna Norcot; any law to the contrary notwithstanding: *Provided always*, that this act shall not impair any legal right or title that any person or persons may have to the said lot or tract of land, the tenements or hereditaments thereunto appertaining.

A. Passed December 7, 1824.

**AN ACT to incorporate the New Jersey Bleaching, Printing and Dying Company.**

Preamble.

WHEREAS it is represented to this legislature, that a subscription has been made for the purpose of introducing and establishing a bleaching, printing and dying company in this state—and whereas the said subscribers request the aid of the legislature of this state, to promote the views of said company; and whereas it appears to this legislature, that the granting of such aid will protect and encourage American manufactures and stimulate the laudable enterprize of the said company, and enable them to compete with foreign manufacturers, and thereby be conducive to public good—THEREFORE,

Style of the Incorporation.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jas. W. Stephens, John W. Berry, Jos. Smith, Leonard Ogilby, Benjamin Armitage, William Chapman, and all such persons as now are, or hereafter shall become stockholders of the said company, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic in fact, and in name, by the name of the “New Jersey Bleaching, Printing and Dying Company” and by that name they and their successors shall and may have succession, and shall be able and capable to sue and be sued, implead and be impleaded in any court or place whatsoever, and may have and use a common seal or impression, and may change and alter the same at their pleasure, and also that the presi-

dent and directors of said company, for the time being, shall have power to ordain, establish and enforce such by-laws, rules ordinances and regulations from time to time; as they may deem necessary for the government of said corporation, the management and disposition of the stock, business, property, estate, and effects of said corporation, the time, manner, and place of conducting their business, the duties and conduct of the officers, clerks and servants employed therein, the election of directors and all such other matters, as may appertain to the concerns of the institution:—*Provided*, such by-laws, rules and regulations shall not be repugnant to the constitution and laws of the United States, or of this state.

Powers and  
privileges, &c.

2. *And be it enacted*, That the capital stock of said incorporation, shall be one hundred and fifty thousand dollars, and that a share shall be fifty dollars, and that subscriptions to the said capital stock shall be opened under the direction of Benjamin Armitage, Jas. W. Stephens, Leonard Ogilby, John W. Berry, and Frederick Dibblee; or any three of them, on the first Monday of January in the ensuing year, at such place as the president and directors hereinafter named shall appoint, and shall be kept open until the said sum of one hundred and fifty thousand dollars shall be subscribed, and that as soon as twenty per cent. of said capital stock shall be subscribed and actually paid in, the said corporation may proceed to transact business:—*Provided*, That notice of the time and place of opening such subscription, shall be given in one of the newspapers published in the town of Paterson, and also in one newspaper published in the city of New York, at least ten days previous to opening such subscription:—*And provided also*, That before said corporation shall proceed to transact the business of said corporation, the president, or some one of the directors of said company, shall make and subscribe an affidavit, before a judge or justice of the peace, setting forth, that, at least twenty per cent. of the capital stock of said company, is actually paid in; which affidavit shall be filed in the office of the clerk of the county, in which said company shall select for their place of business, and that the bleaching, printing, and dying establishment, and works of said company, shall be located in the counties of Essex or Bergen, as the directors of said company may determine.

3. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation, shall be man-

Capital stock.  
Shares.

Subscriptions  
opened, &c.

Provis.

Obligation assignable, &c.

ness, in its various branches, to any person or persons, his or their order or assigns, shall be assignable by endorsement thereupon, under the hand of such person or persons, his, her, or their assignee or assignees, so as absolutely to transfer and vest the property thereof, in each and every assignee or assignees respectively, and to enable him or them to bring and maintain an action thereupon, in his, her, or their own name or names, and such bonds, or other instruments, as may be given by order of the said corporation, promising the payment of money to any person or persons, his or their order, or assigns, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with like force and effect, as upon any private person or persons, if issued by him or them, in his or their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by such private person or persons.

8. *And be it enacted*, That it shall and may be lawful for the president and directors of said company, to settle, adjust and compromise, in any manner they deem expedient, with any person or persons, or with any manufacturing or other company, any action, cause of action, judgment, debt, claim, bond, mortgage, note, bill or bills of parcels, or other contract or contracts, owned, existing or due or owing, or payable to said corporation, and to release and finally discharge him or them, or any corporation in such manner and upon such terms and conditions as the said president and directors may deem advisable.

Shares how forfeited, &c.

9. *And be it enacted*, That from and after the time that the whole amount of the stock of the said company shall have been subscribed, it shall and may be lawful for the directors for the time being, to call and demand of the stockholders or subscribers respectively, all such sums of money by them subscribed or to be subscribed, at such time or times, and in such proportions as they, the said directors shall see fit, under pain of forfeiture of his, her or their shares, and all previous payments thereon to the said corporation, always however giving at least thirty days previous notice of such call and demand, in one or more of the public newspapers printed or circulated in the county where said company shall be located, and in at least one newspaper printed in the city of New York; and that each stockholder shall be entitled to one vote on each share of the said stock, which he, she or they may hold, in his, her, or their

name, at least fourteen days previous to the time of voting at an election for directors; and further, that the said directors for the time being, shall have power to call a general meeting of the stockholders of said company, giving at least thirty days notice of the time and place of meeting, in the public newspapers printed or circulated in the places aforesaid, and that each stockholder owning stock at least fourteen days before such general meeting or as aforesaid, previous to an election for directors, may vote on all questions and cases whatsoever in which said company are interested.

10. *And be it enacted*, That it shall be the duty of the directors to make half yearly dividends of so much of the profits of said corporation, if any, as a majority of them shall deem advisable; and it shall be the duty of said corporation, at least once in two years after they proceed to business, to make a report to the secretary of this state, signed by the president of said company, taken under oath or affirmation, before one of the judges of the inferior court of common pleas of the county of Bergen or Essex, which report shall contain a true statement of the aggregate debts and credits of said company, and the amount of their real and personal estate; which report shall be filed in the office of said secretary, and be subject to the inspection of any person or persons, on paying the usual office fees; and if the said company shall for the space of three years neglect or refuse to file such report, it shall be the duty of the said secretary to inform the legislature of this state, in writing, of such omission, and if within thirty days after such information shall have been so received by the legislature, and notice thereof given to the president of said company, the said corporation shall still omit or neglect to file such report, then this charter and all the privileges, matters and things therein contained shall cease and be determined.

11. *And be it enacted*, That if the said corporation shall not, within three years from and after the passing of this act, proceed to the business of bleaching, printing and dying, then this act and every part thereof shall cease and be determined.

12. *And be it enacted*, That this act shall be deemed a public act, and be benignly and favorably construed for all the purposes therein expressed; *Provided*, That it shall be lawful for the legislature at any time hereafter, to alter, modify, or repeal this act.

C. Passed December 8, 1824.

**AN ACT to confirm certain acknowledgments of Deeds  
and other instruments, taken by John Hammel, Esq.**

WHEREAS, it appears to the Legislature of this state, that John Hammel, Esquire, was duly appointed a commissioner for taking the acknowledgment and proof of deeds for the county of Middlesex, on the eleventh day of February, one thousand eight hundred and eighteen, for the term of five years, which said commission expired on the eleventh day of February, one thousand eight hundred and twenty three; And whereas, the said John Hammel, Esquire, did, under a misapprehension of the continuance of the said commission, continue to take and certify acknowledgments as he had been authorized to do by virtue of the said commission until the tenth day of December, one thousand eight hundred and twenty three, at which time the said commission was renewed,  
**THEREFORE,**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the several acknowledgments of deeds and other instruments taken and certified by John Hammel, Esquire, as one of the commissioners for taking the acknowledgment and proof of deeds in the county of Middlesex, between the eleventh day of February, one thousand eight hundred and twenty three, and the tenth day of December, one thousand eight hundred and twenty three, be, and the same hereby are confirmed, and declared valid and effectual, in like manner as though the same had been taken and certified by the said John Hammel, Esquire during the continuance of his said commission for that purpose.**

C. Passed December 1, 1824.

**A SUPPLEMENT to the act entitled "An act to provide for the distribution of the compiled and revised public laws of this state."**

WHEREAS a great number of copies of the revised laws of the state of New Jersey remain in the custody of the

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Treasurer wholly useless; and it is desirable that the same be disposed of, THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Treasurer be and he is hereby authorized and required to distribute four hundred copies of the said revised laws in the following manner; that is to say, to deliver to each of the members of the present legislature who have not heretofore received a copy of the same, one copy, and one copy each to the clerks of each house, and to send the remainder to the presidents of the several boards of chosen freeholders of the several counties of this state, in the same proportion that the said counties contribute to the support of government, to be by the said chosen freeholders disposed of according to their discretion for the use of their respective counties.

C. Passed December 18, 1824.

**AN ACT** to enable Samuel Richards and Sarah Ball, administrators of Joseph Ball, deceased, to sell and convey certain real estate, therein mentioned.

WHEREAS Joseph Ball, formerly of the city of Philadelphia, in the state of Pennsylvania, did enter into a certain article of agreement, with Abner Doughty, Jun., formerly of the county of Gloucester, in the state of New Jersey, bearing date on the seventeenth day of January, Anno Domini one thousand seven hundred and ninety one, whereby the said Joseph Ball, for the consideration therein mentioned, did agree to sell and convey unto the said Abner Doughty, certain real estate, situate in the townships of Galloway and Egg Harbor, in the county of Gloucester, in this state, described in the said article of agreement, in the following manner, that is to say:—“One half of Absecon Mill, and the lands thereunto belonging, as the same were purchased by said Ball of Edward Black, together with all the rights and privileges thereunto belonging as they are now held by him in company with Richard Price,” into the possession of which said real estate, the said Abner Doughty thereupon entered and so continued in possession until

the time of his decease:—*And whereas* the said Abner Doughty, in part fulfilment of the said article of agreement made unto the said Joseph Ball, three certain bonds, one dated on the nineteenth day of May, Anno Domini one thousand seven hundred and ninety four, for the sum of one thousand four hundred and forty four dollars and thirty three cents, and one dated the twentieth day of June, Anno Domini one thousand seven hundred ninety five, for the sum of one thousand five hundred and eighty five dollars and sixteen cents, and the other dated the eleventh day of August, Anno Domini one thousand seven hundred ninety six, for the sum of one thousand twenty five dollars and forty cents; and afterwards, without any conveyance of the said real estate having been made to him, the said Abner Doughty died intestate, leaving three children, namely, Daniel Doughty, Enoch Doughty, and Nathaniel Doughty, and leaving no estate either real or personal; and letters of administration upon his estate have not been claimed by, or issued to, any person whatsoever; and the said bonds are now deemed and considered wholly irrecoverable, and the amount of principal and interest due thereon, far exceeds the value of the said real estate; *And whereas*, the said Joseph Ball hath also died intestate, and letters of administration upon his estate have been duly granted unto Samuel Richards and Sarah Ball; *And whereas* the said Daniel Doughty, Enoch Doughty and Nathaniel Doughty, the children of the said Abner Doughty, deceased, are disposed to purchase the said real estate, and the said Samuel Richards and Sarah Ball, administrators aforesaid, are disposed to sell the same to them, provided a valid title therefor may be made, for the sum of three thousand dollars; which is by all the said parties deemed a full, fair, and adequate consideration for the said real estate; and the said parties having by their joint petition represented the aforesaid facts to the Legislature, and prayed that the said Samuel Richards and Sarah Ball, may be authorized to sell and convey the said real estate to the said Daniel Doughty, Enoch Doughty and Nathaniel Doughty, and the prayer of the said petitioners appearing to be just and reasonable—  
THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whosoever, the said Daniel

Doughty, Enoch Doughty and Nathaniel Doughty, shall  
 secure, to their satisfaction, to be paid unto the said Conveyances  
 Samuel Richards and Sarah Ball administrators as afore-  
 said, the said sum of three thousand dollars; it shall and  
 may be lawful for the said Samuel Richards and Sarah  
 Ball, administrators as aforesaid, by a proper deed of  
 conveyance to grant, bargain, sell, and convey unto the  
 said Daniel Doughty, Enoch Doughty, and Nathaniel  
 Doughty, and their heirs and assigns, as tenants in com-  
 mon, the said real estate, mentioned and described in the  
 said article of agreement, and thereby agreed, or meant  
 and intended to be agreed to be sold and conveyed, by the  
 said Joseph Ball, to the said Abner Doughty.

2. *And be it enacted*, That the said deed, so to be  
 made, shall convey to and vest in the said Daniel Doughty,  
 Enoch Doughty, and Nathaniel Doughty, all the estate,  
 right, title and interest of the said Joseph Ball, of and in  
 the said real estate, at the time of his decease, and shall  
 be as valid and operative for that purpose, as if made;  
 executed and acknowledged by him the said Joseph Ball.

3. *And be it enacted*, That the said sum of three  
 thousand dollars, shall be deemed and taken as part of the  
 personal estate of the said Joseph Ball, deceased, and  
 shall be as such accounted for and disposed of by the said  
 Samuel Richards and Sarah Ball, administrators as afore-  
 said.

4. *And be it enacted*, That whenever the said sum of  
 three thousand dollars shall be paid or secured to be paid,  
 and the said deed shall be so made as aforesaid, then the  
 said article of agreement and the said bonds, shall forth-  
 with cease and determine and be of no validity or effect.

5. *And be it enacted*, That the said deed of convey-  
 ance shall not, in any wise affect the rights, claims and  
 demands, if any such there be, of any person or persons  
 whatever, other than the said Joseph Ball, and Abner  
 Doughty, and their respective heirs, and all persons claim-  
 ing by, from or under them and each of them.

C. Passed December 20, 1824.

**AN ACT to incorporate the Mechanics' Insurance Company, in the county of Essex.**

**WHEREAS** sundry inhabitants of this state have represented to the legislature, that insurances are frequently made by the people of this state in the city of New York, and that an Insurance Company in the town of Newark, under certain regulations, would much tend to the convenience of the inhabitants aforesaid, and would confine at home a source of wealth which is now carried into another state:—**THEREFORE,**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as shall become stockholders to the capital stock, hereinafter mentioned, their successors and assigns, are and shall be hereby constituted and made a body politic and corporate by the name and style of "The Mechanics' Fire Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and effects of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of the said company; and may also have a common seal, and alter and renew the same at their pleasure; and also to make and establish such by-laws and regulations as shall seem necessary and expedient, for the well ordering and government of said institution, and to put the same into execution; *Provided* that the same be not contrary to the laws of the United States nor of this State.**

**2. And be it enacted, That the capital stock of the said company shall be two hundred thousand dollars, to be divided into shares of fifty dollars each; and that the one half of the said stock, shall be subscribed and actually paid, before the said company shall be allowed to commence business.**

**3. And be it enacted, That the sums subscribed, shall be paid to the persons hereinabove mentioned, in the following manner; five dollars on each share at the time of**

subsequent ; and the remainder to be paid in such instalments, and at such times as the president and directors may appoint.

*4. And be it enacted,* That the secretary of said company, shall give notice in the newspapers published in the town of Newark, at least twenty days preceding the day when each instalment is to be paid ; and the person or persons failing to pay any such instalment, to the persons appointed to receive the same, shall forfeit to the said company, all and every such shares whereon there shall be a deficiency, and all moneys previously paid thereon.

*5. And be it enacted,* That the stock, property, affairs and concerns of the said company, shall be managed and conducted by thirty directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer ; which directors shall, at all times during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New Jersey ; and the said directors shall hereafter be elected on the last *Tuesday of January*, in each and every year, at such hour of the day, and at such place, in the town of Newark, as the board of directors for the time being shall appoint ; of which election public notice shall be given in the newspapers printed in the town of Newark, at least two weeks previous to such election ; and every such election shall be made by ballot, and by a plurality of the stockholders then present, or their proxies ; but no share shall entitle the holder to vote, unless the same has been held by him at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States : And the first directors shall be John I. Plume, Archer Gifford, Charles T. Shipman, Abraham W. Kinney, Joel W. Condit, Caleb H. Shipman, Joseph A. Halsey, Jabez Harrison, William Stevens, of Newark, Peter Doremus, John Dodd, of Bloomfield, John Harrison, Daniel Smith, of Orange, William Dew, of Belleville, Peter Jackson, of Paterson, William Gould, of Caldwell, Elijah Stites, of Springfield, David Osborn, of Plainfield, Robert Lee, of Rahway, Matthias Ogden, of Elizabethtown, David Marwin, of Hackensack, Abraham Brittin, of Chatham, Nodiah P. Thomas, of Hanover, David Miller, of Washington, Silas Johnson, of Morristown, William T. Anderson, of Newton, David Ford, of Hamburg, Jacob Van Doren, of Somerville, James Van Dyke, of New Brunswick, who shall respect

lively hold their offices, until the last Tuesday in December in the year of our Lord one thousand eight hundred and twenty six, and until other directors are chosen instead.

To choose a president.

Vacancies, how filled.

Officers to be compensated.

Books to be opened by commissioners, &c.

6. *And be it enacted*, That the directors herein before mentioned, shall, as soon as convenient after the passing of this act, and the directors who are annually chosen agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body, one person to be a president, who shall be an inhabitant of Newark, and shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve, of the president or any director of said company, such vacancy or vacancies may be filled for the remainder of the term, by such person as the board of directors may appoint: and in case of the absence of the president, the board of directors shall have power to appoint a president pro tem. who shall exercise all such powers and duties as the by-laws of said company may provide.

7. *And be it enacted*, That the board of directors, for the time being, shall have full power to appoint a secretary and such other officers as may be requisite for effecting the business of the said company, and also to allow them respectively, such compensation for their services, as may, in their judgment, be deemed reasonable.

8. *And be it enacted*, That John I. Plume, Charles T. Shipman, of Newark, and John Harrison, of Orange, be appointed commissioners, to take in subscriptions to the capital stock of this company; that the subscription books be opened by the commissioners aforesaid, at Newark, first giving notice thereof, for two weeks, in the papers printed at Newark, and shall continue open from day to day, (Sunday's excepted) for ten days, unless the whole capital stock shall be sooner subscribed.

9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses or buildings, of any description; and also personal property contained therein, of whatsoever kind, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by

the said company, may be made either under or without the authority hereof, and shall be subscribed by the president, or president pro tempore, (or by such other officer as may be designated for the purpose, by the by-laws of said corporation) and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts ; and all such policies and contracts may be so made, subscribed, attested and executed, and the business of the said company may be otherwise conducted and carried on without the presence of a board of directors, by committees or otherwise ; and the same shall be binding and obligatory on the said company.

Business of  
the corpora-  
tion, how con-  
ducted.

**11. And be it enacted,** That the number of votes of each stockholder in the company shall be estimated according to the number of shares which such stockholder may have in his own right, that is to say, for every share, and not exceeding ten shares, one vote ; every five shares above ten, and not exceeding fifty, one vote ; and for every ten shares above fifty, one vote.

**12. And be it enacted,** That for the well regulating and conducting of the election of directors, the president and directors for the time being, shall previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same ; and seven directors shall constitute a quorum for the transaction of business.

Judges of  
election.

**13. And be it enacted,** That the board of directors fifteen stockholders, being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of said company, previously advertising the time and place of said meeting, in the papers printed in the town of Newark, and mentioning the object of such meeting.

Board of di-  
rectors may  
call a meeting

**14. And be it enacted,** That the stock of said company shall be assignable and transferable according to such rules, and subject to such restrictions and conditions as the board of directors may from time to time establish, and that the said stock shall be considered personal property.

Stock assign-  
able &c. con-  
stituted per-  
sonal proper-  
ty.

**15. And be it enacted.** That it shall and may be lawful for the said company to purchase and hold such land, &c.

What estate  
may be held  
&c.

*Provided.*

so much real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also, to take and hold any real estate or securities, *bond fide* mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company; and also, to proceed on the said mortgages or other securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is, or shall be, authorized to do; and also, to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise, to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said company; and to hold the same until they can conveniently sell or convert the same into money or other personal property: *Provided*, That it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof, for or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be created, under any law of the United States, or of any particular State, or to emit any notes or bills or securities, for the payment of money, except under the seal of the said company; but it shall nevertheless be lawful for the said company to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds, or moneys, and also to sell and transfer the same, and again to renew such investments, when, and as often as the exigencies of the said company, or a due regard to its interests shall require, and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and reloan as occasion may render expedient.

*Dividends,  
how to be  
made.*

16. *And be it enacted*, That it shall be lawful for the directors of said company, to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders or to their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired; and if the said directors shall at any time, knowingly make a dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may

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be brought against them, or any of them, their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give further notice to the stockholders of the declaring of such dividend.

17. *And be it enacted*, That at the annual meeting for choice of directors, a statement of the affairs and business of the company for the preceding year, shall be made out and shown for the general satisfaction of the stockholders.

18. *And be it enacted*, That each director and secretary, shall, before he enters on the duties of his office, take the following oath or affirmation (as the case may be) Oath of office  
I do swear (or affirm,) that I will faithfully execute the duties of agreeably to the provisions of the law, and the trust reposed in me to the best of my skill and understanding.

19. *And be it enacted*, That this act shall continue in force for the space of twenty five years; But it shall and may be lawful for the legislature at any time hereafter, to alter, amend or repeal the same. Limitation of the corporation.

20. *And be it enacted*, That the said company shall pay into the treasury of this state one half of one per cent. Amount of taxes corp-  
per annum on the capital stock to commence three years af-  
ter the said company shall go into operation; which said  
amount shall be paid in, under the oath of the president  
and secretary thereof.

A. Passed December 20, 1824.

FURTHER SUPPLEMENT to the act entitled "An act for the punishment of crimes, passed the eighteenth day of March, one thousand seven hundred and ninety six."

I. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the

*authority of the same.* That hereafter, when there shall be a conviction for either of the crimes mentioned or defined in the fourth, twelfth, thirteenth, sixteenth, twenty fifth, twenty sixth, thirty seventh, thirty eighth, forty fourth, forty fifth, fiftieth, fifty first, fifty second, fifty third, fifty seventh, fifty eighth, sixty first, sixty second, sixty third, sixty seventh sections of the act to which this is a supplement, the court shall fine the party convicted, in a sum not exceeding the amount prescribed in the act to which this is a supplement, in such cases, or shall sentence the said convict to solitary imprisonment in the cells of the state prison, or both at their discretion; but where there shall be sentence of solitary imprisonment in the cells as aforesaid, the term of such imprisonment, shall not exceed one fourth part of the term to which the court might by the said act, have sentenced such convict to imprisonment at hard labor.

2. *And be it enacted,* That when any slave shall hereafter be convicted of an assault, with intent to kill, it shall be lawful for the court before whom such conviction shall be had, to sentence such slave to such punishment as is prescribed by the fifth section of an act entitled "A supplement to the act, entitled an act for the punishment of crimes," passed the eighteenth day of March, one thousand seven hundred and ninety six; which said supplement was passed the twenty first day of May, one thousand eight hundred and twenty.

3. *And be it enacted,* That the keeper of the state prison, shall receive all and every person or persons sentenced to solitary imprisonment in the cells, by virtue of the first section of this supplement, any law, usage or custom to the contrary notwithstanding.

C. Passed December 21, 1824.

#### AN ACT respecting fugitives from justice.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever a person charged in this state with treason, murder, arson, rape, burglary, robbery or forgery, shall flee from justice and be found in another state, and the attorney general shall recommend to the governor, or person administering the government

this state, to demand the said fugitive so that he may be brought into this state for trial; and the said fugitive shall Compensation  
on the demand of the executive authority of this state, be delivered up and removed to this state, the expenses of such removal being first ascertained to the satisfaction of the governor or person administering the government, shall on warrant from him be paid by the treasurer of this state out of any moneys in his hands not otherwise appropriated.

2. *And be it enacted*, That the act entitled "An act respecting fugitives from justice" passed the twenty eighth day of January one thousand eight hundred and nineteen, be, and the same is hereby repealed. Former act repealed.

A. Passed December 21, 1824.

**AN ACT SUPPLEMENTARY** to the act entitled "An act relating to Hawkers, Pedlers and Petty Chapman, passed the seventh day of March, one thousand seven hundred ninety seven.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the tenth section of the act to which this is a supplement be and the same is hereby repealed; except so far as respects citizens of this state selling their own manufactures made therein.

2. *And be it enacted*, That all licences heretofore granted to any hawker, pedler or petty chapman shall cease and be of no effect from and after the first day of January, in the year one thousand eight hundred and twenty six, and that no licence hereafter granted to any hawker, pedler or petty chapman shall continue or remain in force only for one year from the time of granting thereof.

C. and A. Passed December 21, 1824.

AN ACT to divorce Elizabeth Welch from her husband Peter Welch.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Elizabeth Welch, be, and she is hereby divorced from her husband Peter Welch; and that the marriage contract heretofore existing between the said Peter Welch and Elizabeth his wife, be, and the same is hereby dissolved as fully as if they had never been joined in matrimony; *Provided nevertheless,* that the issue of the said marriage shall not be deemed illegitimate.

2. And be it enacted, That the children, the issue of the said marriage, be, and they are hereby respectively committed to the care, protection and guardianship of Elizabeth Welch their said mother, until they respectively attain the age of twenty one years, or until other guardians be lawfully appointed in her place.

C. Passed December 21, 1824.

AN ACT to revive an act entitled "An act to authorize the Governor of this State, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne, Pennsylvania," passed the twenty seventh day of January, one thousand eight hundred and fourteen.

WHEREAS by an act of the legislature, passed January the twenty seventh, one thousand eight hundred and fourteen, provision was made for the erection of a bridge across the Delaware river, near the town of Millford, for which purpose a correspondent law was enacted by the legislature of Pennsylvania; which said laws have expired on account of the lapse of ten years, within which time the said bridge was required to be built and completed; but the same not having been done within the prescribed time, nor yet done, and the legislature of Pennsylvania, having revived said law, and extended

Preamble.

the time within which said bridge may be built, for and during the further time of ten years, Provided, the State of New Jersey, pass a similar law; THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled "An act to authorize the Governor of this State, to incorporate a company for erecting a bridge over the river Delaware, near the town of Milford, in the county of Wayne, Pennsylvania, passed the twenty seventh day of January, Anno Domini, one thousand eight hundred and fourteen, be, and the same is hereby revived, re-enacted and continued in full force, the same as if it were passed section by section, excepting such alterations as shall be hereinafter made.

Former act  
revived.

2. And be it enacted, That George Hiddis, John Brink, James Wallace and James Barton, of the commonwealth of Pennsylvania; and James Stole, John Gustin, George Nodren and Abraham Bray, of the State of New Jersey; and William Smith, of the city of New York, are hereby appointed commissioners to do and perform the several duties in the said act mentioned, in the place of those mentioned in the first section of the act which this is intended to revive.

Name of com-  
missioners.

C. Passed December 23, 1824.

AN ACT to enable Job Conover to build a bridge over Read's Creek, and stop the current in the same.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for Job Conover, his heirs or assigns, at his own and their own expense, to erect and maintain a dam or bridge over Read's Creek, in the township of Galloway, in the county of Gloucester, near Read's landing, and below the ditch or canal leading from said landing to the bay, and stop the current of water in the same.

Conditions &c.

2. And be it enacted, That if any person or persons shall wilfully injure said dam or bridge, or other improvements, built or made for the support thereof, with intent

**Penalty &c.** to injure the said Job Conover, his heirs or assigns, or either of them, he or she so offending shall be liable to a penalty of twenty dollars for every offence, to be recovered with costs of suit in any court having cognizance thereof, by any person suing for the same; *Provided*, that the legislature may at any time alter or repeal this act if it shall prove injurious to the public welfare.

A. Passed December 23, 1824.

**AN ACT to divorce Ann Jackson from her husband William Jackson.**

1. **BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the marriage of the said William Jackson and Ann Jackson, be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of such marriage shall be considered legitimate.

A. Passed December 23, 1824.

**A SUPPLEMENT to the Act "for the preservation of clams and oysters."**

**Penalty for  
raking on  
oyster beds at  
certain sea-  
sons.**

1. **BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That from and after the first day of June until the first day of September, yearly and every year, no person, under pretence of taking clams or shell fish, or under any other pretence whatsoever, shall rake on any oyster bed in this state, or gather any oysters or shells on any banks or beds within the same; and in case any person shall do so, whether oysters be taken or not, he shall, for every offence, forfeit and pay thirty dollars, to be recovered with costs of suit, by action of debt, by any person who shall prosecute for the same, in any court of record of this state having cognizance of the same, the whole thereof to the use of the prosecutor; *Provided*, that

nothing in this section shall be so construed as to prohibit any person or persons from taking oysters from beds planted out by him or them pursuant to law.

2. *And be it enacted;* That the first section of the act to which this is a supplement, be, and the same is hereby repealed. A certain section of a former act repealed.

3. *And be it enacted,* That any action for any offence under the first section of this act, may be commenced by warrant in the court for the trial of small causes, and be proceeded in as in other causes when the same are commenced by warrant, any law, usage, or custom to the contrary notwithstanding. Suits, how to commence &c.

C. Passed December 24, 1824.

**AN ACT** to incorporate the Endeavor and Fulton Fire Engine Companies, in the city of Burlington.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Hoskins, Joshua R. Smith, Thomas Aikman and Samuel R. Gummere, and all such other persons, not exceeding thirty five, as now are, or hereafter shall become associates of the Endeavor fire engine company, of the city of Burlington, and William R. Allen, Budd Sterling, Thomas B. Woolman, and all such other persons, not exceeding thirty five, as now are, or hereafter shall become associates of the Fulton fire engine company, of the said city of Burlington, respectively, be, and they are hereby constituted and declared to be bodies corporate and politic, in fact and in law, by the names of the "Endeavor Fire Engine Company of the city of Burlington," and the "Fulton Fire Engine Company, of the city of Burlington," respectively, and by such names, respectively, they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors respectively, may have common seals, and shall have power to make, change and alter the same at their pleasure; and by their names as aforesaid, respectively, and

under their respective common seals, may make, enter into, and execute any contracts, or agreements, touching and concerning the objects of said corporations respectively, and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the laws of this State, or of the United States, as they shall think proper.

2. *And be it enacted*, That the capital stock of said companies, respectively, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall to the said companies, respectively, appear best calculated to secure the property of the citizens of the said city, from injury, or destruction by fire.

3. *And be it enacted*, That each of the said companies shall have power to elect annually, a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their respective constitutions; and that the said presidents, respectively, shall keep in their custody the common seals of the said companies, and at the expiration of their term of office, shall deliver them over to their successors.

4. *And be it enacted*, That the members of said companies, respectively, while belonging to the same, shall severally be exempt from serving as jurymen; in justice's courts; and in case any of said persons shall not be free-holders, while belonging to said companies, they shall be exempt from labor and taxes, for the support of highways, not exceeding three dollars annually.

5. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this State, at any time hereafter, to amend, repeal, or modify this act as they shall think fit.

C. Passed December 24, 1824.

**AN ACT** to procure a Manual for Militia officers.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the commander in chief, be, and he is hereby authorized to procure a sufficient number of copies of J. G. Dyckman's American militia officers' Manual, and distribute the same to such officers of the cavalry, artillery, riflemen and infantry, as in his opinion the service may require; and he is hereby authorized to draw on the treasurer of the state, for moneys to defray the necessary expenses; *Provided*, the cost shall not exceed the sum of sixty cents per volume.

C. Passed December 24, 1824

**AN ACT** to authorize Elias Mollison and William Lupp, executors of John Plum, deceased, to convey certain real estate to Andrew Bartles.

WHEREAS it hath been represented to the legislature, that John Plum, late of the city of New Brunswick, deceased, in his lifetime, agreed to advance to one Andrew Bartles, of New Germantown, in the township of Tewksbury, and county of Hunterdon, the sum of one thousand and fifty dollars, and the said Andrew Bartles, for securing the payment of said sum of money, agreed to convey to the said John Plum, deceased, a certain house and lot situate in New Germantown, in the township of Tewksbury aforesaid, and also assign to him the lease on quit rent of a certain farm near New Germantown, in the township aforesaid, whereon the said Andrew Bartles then lived, upon this further understanding on agreement with the said John Plum, deceased, that in case the said Andrew Bartles should afterwards repay the said sum of one thousand and fifty dollars, with the interest thereof, that the said John Plum should reconvey and reassign the said premises to the said Andrew Bartles; and that the said John Plum did, upon the said understanding and agreement, advance the said sum of money to the said Andrew Bartles; and the said Andrew Bartles, by deed dated the twenty ninth day of April, one thousand eight hundred and twenty one, did convey to

the said John Plum, the said house and lot in New Germantown, and by an assignment of the same date, did assign to the said John Plum all the interest of the said Andrew Bartles in the lease of the said farm; and that the said John Plum did at the same time execute an agreement in writing to reconvey the said premises to the said Andrew Bartles upon his repaying the said sum of one thousand and fifty dollars with the interest thereon; *And whereas* it hath been further represented that the said Andrew Bartles has lost the said last mentioned written agreement, and that the said John Plum hath since departed this life and left Elias Mollison and William Lupp his executors, and also several heirs, some of whom are infants; and that the said John Plum, in his life time, communicated to his said executors his intention to reconvey the said property to the said Andrew Bartles, upon the repayment of the money as aforesaid, and also his agreement with the said Andrew Bartles as above stated; *And whereas* the said executors are willing and desirous of making such reconveyance to the said Andrew Bartles, in pursuance of the said agreement; but ipasmuch as the said Andrew Bartles cannot produce the same, do not feel themselves authorized so to do; **THEREFORE,**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Elias Mollison and William Lupp, Executors of the last Will and Testament of John Plum, late of the city of New Brunswick, deceased, be, and they are hereby authorized to convey to Andrew Bartles of New Germantown, all the right, title, and interest, of the said John Plum, at the time of his decease, of, in, and to all that house and lot of land and premises, which were conveyed by the said Andrew Bartles to the said John Plum, by deed, dated the twenty ninth day of April, in the year of our Lord one thousand eight hundred and twenty one; situated in the township of Tewksbury, in the county of Hunterdon, and in the said deed particularly mentioned and described; and also all the right, title, and interest which the said John Plum had at the time of his decease in a certain indenture of lease and the lands therein mentioned, which said indenture of lease was made on the first day of June, in the year of our Lord one thousand seven hundred and fifty six, and assigned by the said Andrew Bartles to the said John Plum by an instrument

89.

of assignment, endorsed upon the said lease, and dated the twenty ninth day of April, in the year of our Lord one thousand eight hundred and twenty one; and good and sufficient deeds of conveyance in due form of law, to make and execute according to the estate, right, title and interest, which the said John Plum had, or might legally have claimed, in the said premises, upon the said Andrew Bartles, paying to the said executors the said sum of one thousand and fifty dollars, together with the interest, which may be due thereon.

2. *And be it enacted*, That no conveyance or deed which may be made, by virtue of this act shall impair or in any manner affect the right, title, interest or claim of any person or persons in the said premises, other than the heirs at law and devisees of the said John Plum, deceased.

C. Passed December 24, 1824.

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AN ACT to enable a majority of the owners of certain Copper Mines, in the county of Bergen, to work the same.

WHEREAS it has been represented to this Legislature that there are certain copper mines in the township of New Barbadoes, in the county of Bergen, which are owned in undivided shares among several persons—That Preamble. the expense of working the same is very great, and that several share holders are either minors or absent from this state,—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever any copper mine or the right of digging or searching for, and taking away any ores or other valuable mineral from such mine, or from any piece or parcel of land, in New Barbadoes Neck, in the county of Bergen aforesaid, shall belong to, or be divided in shares among several persons, either as tenants in common, or joint tenants, or in fee, or for life or years, or otherwise, it shall and may be lawful for the person or persons who shall own, hold or be lawfully possessed of more than one half of such mine, or a majority of the shares in

Owner, &c.

may associate to work the mines.

the same, to associate themselves together with such persons as he, she or they may think proper, for the purpose of working said copper mine; and the said company, by and with the consent of the tenants in fee of the soil, may proceed to open the said mine by clearing out the old pits, shafts, drifts and levels, or sinking new ones, erecting engines for pumping water, and any other works necessary to prosecute the mining business, at the proper charge and expense of said company, and to take ores, metals or minerals from said mine, for the use and benefit of said company subject to the regulations, restrictions and limitations hereinafter contained—*Provided*, the said associates shall first have declared their name and proportions owned in said mines, by some writing subscribed by them, and filed in the clerk's office of the said county of Bergen.

2. *And be it enacted*, That before the said company, or their legal representatives shall proceed to work the said mines, they shall give notice in writing, to such of the part owners, or share holders of said mine, who shall reside in the United States, and who shall not have associated themselves with said company, of the intention of said company, to open and work the said mines, and invite the said part owners or share holders to join in the expense thereof, or to agree with the company respecting the rent or portion of ores and minerals, which the said company shall render to the said part owners or share holders, for the use of their shares in the said mine; and if such part owners or share holders after notice as aforesaid, shall refuse for the space of one month to contribute their ratable proportion to the expense of the working the said mine, and cannot agree with the company, within the same time for the rent or use of their part or share of said mine; or if any such part owner or share holder be feme covert, under age, non compos mentis, or reside out of the state, then it shall be lawful for the said company to apply to one of the justices of the Supreme court, whose duty it shall be on notice being given as aforesaid, to appoint not less than three nor more than five disinterested freeholders of this State, as appraisers, and thereupon the said appraisers having given at least fifteen days notice, in writing, of the time and place of their meeting, to every such part owner or share holder who may reside within this state, and having previously taken an oath or affirmation fairly and impartially to decide between the parties, upon such matters as shall be submitted to their decision, shall proceed to view, and examine the

Part owners  
to have cer-  
tain shares  
conditionally.

land on which said mines are intended to be worked, and enquire and estimate what proportion or part of the ores, or other minerals which may be found and taken from the said mines, shall be set apart and reserved for the use of each of the said part owners or share holders, who shall not have associated themselves with said company : in making which estimate it shall be the duty of the appraisers to take into consideration the probable quantity of ore, the probable expense of obtaining it, and also the rent or share of ore such of the share holders as are not members of said company have agreed to receive, and all such other facts and circumstances concerning the premises, as shall come to their knowledge, and make a report under their hands and seals, or under the hands and seals of a majority of them, of the share or portion of said ores or other minerals, which the said company shall set apart for the use of the said respective part owners, or share holders, (who shall not have associated themselves with the said company) or their legal representatives, and shall deliver the same into the office of the clerk of the county in which said mines are situate, to be there filed of record ; which said report shall be conclusive evidence against the said company, of the share or portion of the said ores or other minerals which the said part owners or share holders shall be entitled to.

3. *And be it enacted,* That as soon as the said report shall have been filed in the clerk's office as aforesaid, it shall be the duty of the said company to give notice in one of the newspapers printed in the county where the said mines shall be situate, and in one of the newspapers printed in the city of New York, for six months, of the proportion of ore awarded by the report of the said appraisers, which will be due to each part owner or share holder as aforesaid; and also, that the said company is proceeding to work the mines, and that any part owner or share holder who may not have associated themselves with the said company, may take their election at any time within six months from the first publication of said notice, either to join the said company in working the said mines, or to receive their share of the ores or other minerals awarded them by the said report of the said appraisers; and if any such part owner or share holder, in said mines, or any person duly authorized, by any such part owner or share holder, shall appear within six months and pay to the company or their agent, or treasurer, his, her, or their share of the money

To advertise  
for six months  
relative to the  
working the  
mines and to  
those interest-  
ed therein, &c.

already expended, and from time to time thereafter, pay to the said company, their agent or treasurer, his, her or their share of the money requisite for the carrying on said mine, which payment shall be made in the same manner, and under the same rules and regulations which the said company shall have imposed or may thereafter impose on themselves, that then the said share holder shall be allowed to be a full partner in the concern, and have a vote in all its proceedings in proportion to the interest, or to the number of shares, he, she or they shall hold in the said mines, and receive his, her or their share of the profits thereof, or bear his, her or their share of the loss in the same proportion as his, her or their share shall bear to the whole number of shares in said mine.

4. *And be it enacted,* That in case all the part owners or share holders, shall not appear within six months, and join in the working the said mines, as herein before provided for, such share holders shall not become partners or associates in the mining works, without the consent of the company, or persons who may have constructed the said works; but it shall be the duty of the persons or company owning the said works, before they remove any ore or metals from the premises, to give reasonable notice to the part owners or share holders in said mines, who are not owners of the said works, if any of them are known to be resident in this state, to attend at a certain time and place, to see their share or portion of ores weighed and set off, in conformity to the report of the appraisers herein before mentioned, and to deliver the same to them if they appear to receive it. But if the said share holders are not to be found in the state, or do not attend, it shall then be the duty of the company or persons who own the works, to weigh and set off, in the presence of two or more disinterested witnesses, for the use and benefit of such share holders in the mines, as are not concerned in the works, and who do not attend to receive the same, their share or portion of the ores, and place the same in safe keeping, at charge of the persons to whom the same may belong; and if not claimed, in one year, the company, or persons who own the said works, shall cause the same to be sold at public auction for the account of the persons to whom the same may belong, giving at least two months previous notice of the time and place of such sale in one of the newspapers printed in the county where

the mines may be situate, and in one of the newspapers printed in New York; and the moneys arising from such sale, shall, within ten days after the same shall have been received, be paid by the said company into the court of chancery of this state, to be disposed of under the order of the chancellor, for the benefit of the said share holders, to whom the same may belong.

C. Passed December 24, 1824.

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A. SUPPLEMENT to an act entitled "An act to incorporate the Mechanics' Insurance Company, in the County of Essex."

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said company (in addition to the privileges for insurance granted in the act to which this is a supplement,) to insure goods, wares and merchandise of whatsoever kind, against all losses, either by fire, water or otherwise, on board of any ship or vessel, on the high seas, or in port, agreeably to such terms and conditions as shall be contained in the policy of insurance.

C. Passed December 27, 1824.

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AN ACT to dissolve the Marriage contract between Absalom F. Randolph and Hannah Budd his wife.

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the marriage contract between Absalom F. Randolph, of the county of Bergen, and Hannah his wife, be, and the same is hereby declared to be dissolved to all intents and purposes whatsoever; and the said Absalom F. Randolph and Hannah his wife, are hereby declared to be set free from their matrimonial

contracts, as fully as if they had never been joined in matrimony.

C. Passed December 27, 1824.

A SUPPLEMENT to an act entitled "An act to encourage and regulate the planting of Oysters, in the township of Perth Amboy," passed the twenty fifth day of November, one thousand eight hundred and twenty four.

The provisions of the above named act to be extended to certain lands, &c. in South Amboy.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the provisions and enactments contained in the said act, except so far as are altered by this act be extended to all the lands covered by water in the township of South Amboy, lying between Marsh Point on the Raritan river, and extending down the said river and bay shore, and up Cheesquake's creek, and the cove and creek, extending to George C. Thomas' land, and along his land as far as the upper end thereof, and up Cheesquake's creek to the upper end of the meadow bank, belonging to the estate of James Morgan, deceased, as fully in every respect as if the said lands, covered by water, had been mentioned and described in the before mentioned act.

Duty of Commissioners, &c.

2. And be it enacted, That the commissioners named in the act to which this is a supplement, and the commissioners named in this act, shall and may upon application of any person or persons proceed to make a survey of the shores and lands covered by water according to the true intent and meaning of both acts, and stake off such part as they may deem expedient, for the purpose of planting and growing Oysters thereon, and after reserving for each of the owners of the adjoining shore or shores not exceeding three acres, any other person or persons may take and stake off under the directions of the said commissioners for his or her use, a lot within the survey of the said commissioners: Provided, that not more than two acres shall be taken by any one person, who shall pay such rent to the state annually as the commissioners shall assess upon

the differently located lots, not less nor more than is specified in the act to which this is a supplement.

3. *And be it enacted*, That if any person or persons shall enter on the lands covered by water, staked out and set off under this act, and the act to which this is a supplement, without leave or consent of the owner thereof, in writing, and injure the same, or commit any trespass thereon, he, she or they so trespassing, shall be liable to the penalty of thirty dollars to be sued for and recovered by the party injured, in an action of trespass, one half of which sum, when recovered, after deducting the costs and expenses of prosecution, to be paid to the county collector, for the use of the state, and the other half to the use of the party injured, in addition to the damages allowed by the act to which this is a supplement.

Penalty on  
trespassing on  
the premises.

4. *And be it enacted*, That John T. McDowell, Joseph M'Chesney and David Mercereau, be, and they are hereby appointed commissioners to execute the duties ~~en~~ joined by this act; and that they be allowed three dollars ~~per~~ day, for each and every day they may be employed in executing their duties, at the expense of the person or persons applying to them for the purpose or purposes mentioned in said act.

A. Passed December 27, 1824.

#### AN ACT respecting the Public Arms.

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Quartermaster General shall as soon as convenient, cause particular returns to be made to him by the Brigade majors of the several brigades of militia, in this state, respectively, of the number of public arms in each brigade, as well arms that have been purchased by fines for delinquencies or exemptions, as arms that have been loaned from the arsenal, which together with the arms on hand, shall form an aggregate, and be distributed among the several brigades in proportion to the last return made by the Adjutant General, charging each brigade with the number he may find by the returns already in their possession—*Provided*, That no arms now in the

possession of any brigade shall be actually withdrawn; and each brigade board shall give to the Quartermaster General a proper voucher for the arms they may receive, and the respective brigade boards shall distribute the arms they may receive, to the regimental boards hereinafter constituted, under such regulations as they may deem most expedient for the safety of the arms, and good of the militia, service; the brigade boards respectively shall cause accounts to be opened with their respective regiments and independent battalions, in a book provided for that purpose, wherein the arms of each regiment and independent battalion shall be charged, and the account regularly kept.

2. *And be it enacted,* That the field officers of each regiment of the respective brigades, and the commandants, and the two senior captains of each independent battalion, shall form a board respectively, who shall meet annually on the first Monday in March, within the bounds of their respective regiments or independent battalions, and may adjourn from time to time as they may think necessary; and the regimental and battalion boards are particularly charged with the safety and good order of the arms entrusted to them, for which purpose they shall take bonds of the company officers, in the name of the president of the board and his successors in office, with sufficient surety, valuing each stand of arms at twelve dollars, conditioned safely to keep said arms, and in good order for actual service, and that they will promptly return them whenever they shall be thereunto required by their superior officers; and if they shall fail to perform the condition of said bonds, they shall be prosecuted by the president of the board, for the time being, in any court having competent jurisdiction, and the form of proceeding and recovery shall be as in other cases of debt; and whenever in the opinion of the regimental and battalion boards respectively, the security for the said arms has become doubtful, they shall cause the same to be increased, or said arms returned to their care. The regimental and battalion boards shall respectively make return to the brigade board, at their annual meeting, stating the number and condition of their public arms; the purpose of which return shall be entered in the book of account, kept with each regiment and independent battalion.

3. *And be it enacted,* That it shall be the duty of the presiding officer of the respective brigade boards, within three months after their annual meeting, to make a return of the number and condition of the public arms in the pos-

session of his brigade to the Quartermaster General, who shall compare the return with the voucher given by such brigade board for public arms, and if any loss is manifest, then he shall return the number deficient to the treasurer, who shall charge the county to which such brigade belongs with such lost arms at the rate of twelve dollars per stand. And it shall be the duty of the Quartermaster General, annually to lay before the Legislature a complete return of the situation and condition of said arms, so distributed by this act.

4. *And be it enacted*, That the regimental and battalion boards respectively, shall require the company officers to provide some safe place within the bounds of each company, where their public arms shall be deposited; and the men shall not be permitted to carry away or use them except on days of exercise, and the company officers respectively, shall, before their men are dismissed, cause the arms to be returned to the place of deposit.

5. *And be it enacted*, That it shall be the duty of the Quartermaster General to cause each stand of arms now in the arsenal, or which may hereafter be received as the quota of the state, to be struck on the barrel with a steel die, with the letters N. J.; and also before distributing them, as herein directed, to cause each stand to be branded with the name of the Brigade to which the same may be apportioned and delivered; and also that it shall be the duty of the Brigade boards respectively, before distributing said arms in the manner herein before prescribed, to cause each stand to be branded with the initials of the regiment or battalion to which distributed.

C. and A. Passed December 28, 1824.

**AN ACT for the relief of the Heirs of William Vibbert,  
deceased, and others.**

WHEREAS it has been represented to the Legislature by the petition of William Winans and Mary his wife, Judah A. Lee and Priscilla his wife, late Priscilla Vibbert, the former wife of William Vibbert, deceased, that by a deed of conveyance, bearing date the seventeenth day of March, in the year of our Lord one thousand eight

**way of security for debts due, owing, or growing due, to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its lands:** —*Provided also,* That the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation for the transaction of its business, or such as shall have been bona fide mortgaged to it by way of security, for loans or contracts made or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments, for the purpose of bona fide securing any debt or debts to the said corporation.

- Shares and capital stock.** 2. *And be it enacted,* That the capital stock of the said corporation shall be three hundred thousand dollars, divided into shares of fifty dollars each, with the privilege of increasing the same to five hundred thousand dollars, at any time during the continuance of the charter; and that subscriptions to the said capital stock be received by Lambert Sythoff, Joel W. Condit, Moses Codington, John Cassey, and Robert M'Jimsey, or any three of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passing of this act, having given two weeks previous notice, of the time and place, in a paper printed in the town of Paterson, one in the town of Newark, and one in the city of New York; to open books of subscription in the city of Jersey, in the county of Bergen, and continue the same open until the whole amount of the stock of the said company shall have been subscribed; (giving to citizens, actual residents of this state, the privilege of subscribing for at least one half of the said stock, if application be made for the same within two weeks from the opening of the said books of subscription) whereupon it shall be the duty of the said commissioners to call a meeting of the stockholders, by the same previous notice of the time when, and the place where such meeting will be held, who shall proceed in person or by proxy, to elect seven directors, citizens of the United States, to manage the affairs of the said company; and the said directors shall proceed in manner hereafter prescribed, to elect one of their number, who shall act as president; and it shall be the duty of the commissioners aforesaid, to pay into the hands of the directors, all the money they or any of them have received on account of subscriptions.
- Commissioners, &c.**
- Advertise.**
- Open books.**
- Call a meeting, elect directors, president, &c.**

8. And be it enacted, That the said directors shall hold their offices from the day of election, until the first Monday of December following, or until others shall have been chosen ; which choice of directors shall take place on the said first Monday of December in each year, or as soon thereafter as may be, at the banking house at such time of day as the board of directors for the time being shall appoint ; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the town of Newark, in one of the newspapers printed in the town of Paterson, and in one of the newspapers printed in the city of New York ; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being judges of directors, to be judges of election, who shall conduct and regulate the same, after having been sworn or affirmed, <sup>to be chosen,</sup> well and faithfully to discharge the duties of their office ; they shall determine whether the persons voted for are duly qualified to be elected directors ; and, after the conclusion of the ballot, shall decide and declare who are elected directors ; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy ; and each stockholder shall be entitled to one vote, for each share of stock, not exceeding ten, and one vote for every five shares, over and above that number, which he, or she, or they shall have held in his, her, or their name or names, at least twenty days before the time of voting ; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors ; and if it should so happen, at any such election, that two or more persons should have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot and by plurality of votes, to determine which of the directors so having an equal number, shall be the director or directors, so as to complete the whole number ; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president ; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Ratio of votes.

Vacancies,  
how to be  
filled.

**Quorum.** 4. *And be it enacted;* That four directors, with the President shall constitute a quorum for the transaction of business.

5. *And be it enacted,* That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needfull and proper, touching the government of said corporation; the management and disposition of the stock, business and effects thereof; the time manner and terms, at and upon which discounts and deposits shall be made and received by the said corporation; the duties and conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall also have power to appoint so many officers, clerks and servants for carrying on the said business, and with such salaries; and allowances, as to them shall seem meet; *Provided always*, that such by-laws, rules and regulations, shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state.

**Stock subject to taxes, &c.**

**Instalments, how and when to be paid.**

**Penalty, &c.**

That the said corporation shall not issue bills or notes of a less denomination than one dollar, and that the stock of the said corporation, shall be considered personal property, and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are or may be liable to; and their real estate shall be subject to be taxed as other lands in this state are, or shall be taxed; and each and every person subscribing to the capital stock of the said bank, shall pay, at the time of subscribing, to the commissioners receiving subscriptions, or to any one of them, the sum of five dollars, in specie or current bank notes of such banks as redeem their notes in specie, upon every share so by him subscribed; and the directors of said company may require payment of the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required after the first, and of the time, when the same are to be paid, shall be previously published, at least thirty days, in one of the newspapers printed in the town of Newark, and in one of the newspapers printed at Paterson, and in one of the newspapers printed in the city of New York.

7. *And be it enacted,* That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company, from the person transferring shall have been fully discharged, and such transfer, shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation, shall at any time owe, over and above the actual deposits in said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors, under whose administration it shall happen, shall be liable for the same in their separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable and chargeable with such excess; but such directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act, by which the same was contracted, shall not be liable.

Excess, the  
directors li-  
ble, &c.

8. *And be it enacted,* That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hands of such person or persons, his, her or their assignee or assignees, successively, so as to enable such assignee or assignees, to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order or bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same, and with like force and effect as upon any private person or persons, if issued by him or them, in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons: — *Provided*, that no bill or note, issued by said corporation, payable to bearer, or to any person or persons, his or their order, or bearer, shall express any place of payment other than the office of the said banking company.

Bills, &c. ne-  
goiable and  
assignable, &c.

9. *And be it enacted,* That it shall be the duty of the Directors to make semi-annual dividends of so much of the profits of the said bank as to them,

make semi-  
annual divi-  
dends, &c.

or a majority of them, shall seem advisable; but that they shall make no dividend of any part of the capital stock; and that the rate of discount at which loans may be made by the said corporation, shall not exceed the legal rate of interest in this state for the time being.

**10. And be it enacted,** That it shall be the duty of Annual state- the president and cashier of the said corporation, annually made to the Legislature, to lay before the legislature of this state, a statement under their respective oaths or affirmations, of the amount of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier, shall fail to do the same for the space of three years, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be for ever at an end.

**11. And be it enacted,** That it shall not be lawful for the said bank, to issue any notes or bills, until an affidavit by the president and cashier shall have been made, and filed in the office of the secretary of state, stating that the whole of the capital stock of the said corporation hath been subscribed, and thirty per cent. thereof paid in, in specie, or current bank notes, of such banks as redeem their notes in specie, and the remainder satisfactorily secured; to be paid, to the said corporation.

No note to  
be issued  
till affidavit is  
filed, &c.

**12. And be it enacted,** That it shall be the duty of the president and cashier, in case the privilege contained in the second section of this act of extending the capital stock of the said corporation to five hundred thousand dollars, is embraced, to certify the same to the secretary of state, within twenty days from and after the said privilege shall have been so embraced as aforesaid, that the institution may be taxed accordingly.

**13. And be it enacted,** That the said bank shall be located at the city of Jersey, in the county of Bergen.

**14. And be it enacted,** That the said corporation shall, as a consideration for granting this charter, pay into the treasury of this state the sum of fifteen thousand dollars, before commencing the operations of said bank, and ten thousand dollars in addition, within thirty days after the privilege contained in the second section of this act shall be embraced.

Bonus.

**15. And be it enacted,** That this act shall be and continue in force until the first day of January, in the year Limitation of our Lord, one thousand eight hundred and forty five;—  
charter, &c. **And further,** That it shall and may be lawful for the Le-

gislature of this state, at any time hereafter, to alter, modify, or repeal this act.

16. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company should refuse on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, and other evidences of debt, issued by the said corporation, and which shall be due and payable ; the said president, directors, and company, shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said president, directors and company shall resume the redemption of their said bills, notes and evidences of debt, in specie, or other lawful money of the United States ; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per cent. per annum, from the time of such demand, and until the same shall be paid as aforesaid, or otherwise satisfied.

How charter  
may be for-  
feited, &c.

C. Passed December 28, 1824.

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### AN ACT to incorporate the Weehawk Banking Company.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Philip Earle, John P. Garrison, John Field, and their associates, shall be and they are hereby created a body corporate and politic, in fact and in name, by the name of the Weehawk Banking Company, to be located at Weehawk in the county of Bergen ; and by the said name they and their successors shall and may have succession, and shall be in law capable of suing and being sued pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature whatsoever and wheresoever, and in all manner of actions, suits, complaints, matters and causes of action whatsoever, and also of contracting and being contracted with, relative to the funds of the said corporation, and the busi-

Style of in-  
corporation,  
&c.

ness and purposes for which the said corporation is hereby created, as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at their pleasure.

*Capital stock  
may be ex-  
tended.*

2. *And be it enacted,* That the capital stock of said company shall be one hundred and twenty five thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation when, and so soon as, fifty thousand dollars shall have been subscribed for and paid in, to commence their business, and with that capital conduct and carry on the same, until they shall find it expedient to extend their capital; which they are authorized to do from time to time, to the amount of two hundred thousand dollars; but no operation shall be made upon such increase of capital until the same shall have been paid in.

3. *And be it enacted,* That it shall and may be lawful for the said corporation to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business, and also to take and hold such real estate, or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock thereof or to secure the payment of any debt which may be contracted with the said corporation, and also to proceed on the same for the recovery of the moneys thereby secured, either at law or in equity, and to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity; or other legal proceedings, in favor of said company, or security given to them, or otherwise, to receive and take any real estate in payment or toward satisfaction of any debt previously contracted and due to said corporation, and to hold the same until they can conveniently and advantageously sell and convert the same into money or other personal property;—Provided always, that it shall not be lawful for the said corporation to deal, or use, or employ, any part of the stock, funds or moneys thereof, in buying or selling any goods, wares or merchandize, in the way of traffic; but it shall be lawful for the said corporation to use or employ the same for banking purposes.

4. *And be it enacted,* That Philip Earle, John P. Garness, John Field, Abel I. Smith and Michael Saynier, be, and they are hereby authorized to receive subscriptions for the said capital stock in shares of fifty dollars each.

5. *And be it enacted,* That the sum so subscribed shall be paid in the manner following, viz. Five dollars on ~~Instalments~~<sup>when to be paid.</sup> each share, on or before the day appointed for the first election of directors of the said company hereby incorporated, to be paid previous to the said election, and the remainder in instalments not exceeding ten dollars on each share, to the directors of the said company for the time being, at such time as the said directors may direct, always giving three weeks notice thereof in two of the public newspapers printed in the county of Bergen : and any person, copartnership or body politic, failing to pay any ~~instalment~~<sup>Forfeiture.</sup> instalment shall forfeit to the said company every share upon which such payment shall not be made and all payments thereon previously made.

6. *And be it enacted,* That as soon as one thousand shares shall have been subscribed, the persons empowered to receive subscriptions may call a meeting of the subscribers at Weehawk, by giving at least three weeks previous ~~Elections,~~<sup>when to be holden;</sup> notice in the newspapers printed in the county of Bergen ; and the subscribers assembled in consequence of such no-~~Directors and~~<sup>President to be chosen,</sup> tice, shall choose, by ballot, from among the subscribers, by a majority of votes of such as are present, or by proxy, seven directors; a majority of whom shall be citizens of the state of New Jersey, and on the same day annually thereafter, a like election shall be made, and in case of death, refusal, resignation, disqualification, or removal of any director, the remaining directors, at their first regular meeting thereafter, shall choose a person in his place for the residue of the year; and the directors chosen, or a majority of them present, at their first meeting after every general election, shall, by ballot, from among themselves, by a majority of the directors, elect a president ; and in case of the death, refusal, resignation, disqualification, or removal of the president, the said directors shall meet as soon as convenient thereafter, and elect in the manner before mentioned, a president in his room for the remainder of the year ; *Provided*, that in case it should happen that ~~Provis.~~ an election of directors shall not be made upon the day herein prescribed, the said company shall not thereby be considered to be dissolved, but it shall be lawful, on any other day thereafter, to hold an election for directors for the year, in such manner as the by-laws of the corporation shall direct.

7. *And be it enacted,* That the following shall be the

fundamental articles of said company or corporation hereby created, that is to say,

#### ARTICLE I.

The number of votes to which each stockholder shall be entitled shall be according to the number of shares, he she, or they shall hold, in the proportion following, that is to say—For one share and not exceeding twenty five, one vote for every share; for every five shares above twenty five shares, one vote.

#### ARTICLE II.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the company as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only the nett profits and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may be brought in such case against them or any of their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted to judgment and execution; and each director present, when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring such dividend.

#### ARTICLE III.

A general statement of the affairs of the company shall be exhibited every year, at the banking house, for the inspection of the stockholders, at least three weeks previous to the annual election.

#### ARTICLE IV.

No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president for his services in the business of the said company as shall appear to them reasonable.

#### ARTICLE V.

**Stock assignable, &c.** The stock of said company shall be assignable and transferable, according to such rules as shall be instituted in

that behalf by the laws and ordinances of the said corporation. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees successively ; and shall enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their own name or names ; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under seal of the said corporation, shall be binding and obligatory on the same, in like manner and with like effect, as upon any private person or persons, if issued by him or them, in their private capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by any private person or persons — *Provided* that no bill or note issued by said corporation payable to bearer, or any person or persons, his or their order or bearer shall express any place of payment other than the office of the said banking company.

Proviso.

#### ARTICLE VI.

The total amount of debts which the said corporation shall at any time owe, whether by bond, bill or note, or other contract, shall not exceed double the amount of the capital actually paid in, provided the money deposited in the bank of said company for safe keeping, shall not be considered as the debts of said company, within the provision of this clause ; and in case of excess the directors under whose administration it shall happen, shall be liable for the same in the manner prescribed in the second article, of this section, unless absent or dissenting from the resolution or act by which such excess was created ; in which case he or they, so dissenting, may be exonerated from such liability in the manner prescribed in said second article of this section.

Amount of  
debts not to  
exceed, &c.

#### ARTICLE VII.

The corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods which shall be the produce of its lands.

## ARTICLE VIII.

In the appointment of a cashier of the said corporation, the votes of four of the directors shall be necessary to a choice, and every cashier before he enters on the duties of his office, shall be required to give bond, with two or more sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with conditions for his good and faithful discharge of the duties of his office.

## ARTICLE IX.

Cashier to take oath or affirmation.

Each director or cashier of said corporation, before he enters on the duties of his office, shall take the following oath or affirmation, as the case may be: I do swear (or affirm) that I will faithfully execute the duties of agreeably to the provisions of the law and the trust reposed in me, according to the best of my skill and understanding.

President and cashier annually to lay a statement before the legislature.

8. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths (or affirmations) and under seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter, and all the privileges hereby conferred, shall cease and be forever at an end.

Bonus.

9. *And be it enacted*, That the corporation shall, as a consideration for granting this charter pay into the treasury of this state, the sum of five thousand dollars, before commencing of operations of said company.

10. *And be it enacted*, That the company, hereby created, shall have the privilege of increasing their capital stock to two hundred thousand dollars, so soon as they may deem it necessary, they having first paid into the treasury of this state three thousand seven hundred and fifty dollars.

11. *And be it enacted*, That if at any time after the passing of this act the said company shall neglect or refuse on demand being made at their Banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills,

notes and other evidences of debt issued by the said corporation, and which shall be due and payable ; the said company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said company shall resume the redemption of their said bills, notes and other evidences of debt in specie or other lawful money of the United States ; and the said company shall be liable to pay to the holder or holders of all such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof at and after the rate of ten per cent. per annum from the time of such demand until the same shall be paid or otherwise satisfied.

*12. And be it enacted,* That the said corporation shall not proceed to issue any bills or notes until fifty per cent on the capital subscribed shall be actually paid in, either in specie or in the current notes of good and incorporate banks, and such as are circulating in this state at par value with specie.

*13. And be it enacted,* That no director or directors to be chosen under the authority of this incorporation shall ever be allowed to have discounted in his own name or names, or the name or names of any other person or persons, any sum to a greater amount than the true value of stock that they shall own in the said corporation.

*14. And be it enacted,* That no notes of a less denomination than one dollar shall be issued by said company.

Not to issue  
notes less than  
one dollar.

*15. And be it enacted,* That the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and that the same shall be levied, collected and paid in the same manner, as the taxes on other banks in this state now are, or may be recovered ; and this act shall be and continue in force for any term not exceeding twenty years ; and further, that it shall and may be lawful for the legislature of this state at any time hereafter, to alter, modify or repeal this act.

A. and C. Passed December 28, 1824.

Subject to  
taxes.

AN ACT to divorce Tunis Vreeland from his wife Margaret Vreeland.

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the marriage of Tunis Vreeland, of the county of Bergen, and Margaret Vreeland, be, and the same is hereby dissolved, annulled and made of no effect, as fully to all intents and purposes as if they had never been joined in matrimony.

C. Passed November 17, 1824.

AN ACT for the sale of part of the land at Paterson belonging to the State.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Attorney General of this state, be, and is hereby authorized to sell and convey in behalf of this state not exceeding three acres of the land belonging to the state at Paterson to the trustees of the first Presbyterian society of Paterson for the uses and purposes of a burying ground; and that the Attorney General fix the price of said land.

C. Passed December 28, 1824.

A SUPPLEMENT to the act entitled An act to incorporate a company to erect a turnpike from the town of Paterson to the village of Hackensack.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the time limited for making the road by the act, entitled "An act to incorporate a company to erect a turnpike from the town of Paterson to the

village of Hackensack," be, and the same is hereby extended, to three years from and after the sixth day of February next; any thing in the proviso in the thirteenth section of the act to which this is a supplement contained to the contrary notwithstanding.

C. Passed December 27, 1824.

**AN ACT** to raise the sum of twenty thousand dollars for the year of our Lord one thousand eight hundred and twenty five.

1. BE IT ENACTED by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be assessed, levied, and collected on the inhabitants of this state, their goods and chattels and on the lands and tenements within the same, the sum of twenty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and twenty six.

2. *And be it enacted,* That the said sum of twenty thousand dollars shall be paid by the several counties of this state, in the proportions following, that is to say—

The county of Bergen, shall pay the sum of one thousand two hundred and ninety nine dollars and eighty three cents.

The county of Essex, shall pay the sum of one thousand nine hundred and eleven dollars and four cents.

The county of Middlesex, shall pay the sum of one thousand six hundred and twenty six dollars and sixty nine cents.

The county of Monmouth, shall pay the sum of one thousand eight hundred and sixty one dollars and eighty five cents.

The county of Somerset, shall pay the sum of one thousand three hundred and twenty one dollars and forty three cents.

The county of Burlington, shall pay the sum of two

thousand one hundred and fifty three dollars and fifty seven cents.

The county of Gloucester, shall pay the sum of one thousand six hundred and eighty nine dollars and sixty one cents.

The county of Cumberland, shall pay the sum of seven hundred and ninety three dollars and ten cents.

The county of Salem, shall pay the sum of one thousand and seventy eight dollars and thirty one cents.

The county of Cape-May, shall pay the sum of three hundred and twenty three dollars and one cent.

The county of Hunterdon, shall pay the sum of two thousand two hundred and sixty seven dollars and ninety three cents.

The county of Morris, shall pay the sum of one thousand five hundred and sixty eight dollars and three cents.

The county of Sussex, shall pay the sum of one thousand and fifty two dollars and eighty one cents.

The county of Warren, shall pay the sum of one thousand and fifty two dollars and eighty one cents.

*3. And be it enacted,* That the assessors of the several townships of this state, to raise the sum of twenty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:

Every covering horse, above three years old, any sum not exceeding six dollars and fifty cents, to be paid by the person where such horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding four cents; all neat cattle three years old and upwards, any sum not exceeding three cents.

*4. And be it enacted,* That in assessing the aforesaid sum of twenty thousand dollars, the following persons, articles and things, shall be valued and rated at the discretion of the assessors, to wit:—all tracts of land held or owned by deed, patent, occupancy, survey, or otherwise, any sum not exceeding one hundred dollars by the hundred acres:—*Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be, to the valuation of the lands aforesaid.

All householders (under which description shall be included all married men living with their parents) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding one dollar, ever and above their certainties and other estate made ratable by this act.

All merchants, shop keepers, and traders, any sum not exceeding eight dollars.

All fisheries, where fish are caught for sale, any sum not exceeding eight dollars.

All grist mills, for each run of stones, any sum not exceeding five dollars.

All carding machines propelled by water, any sum not exceeding two dollars.

All furnaces, any sum not exceeding eight dollars.

All saw mills, for each saw, any sum not exceeding six dollars.

All forges that work pig iron, and forges and bloomeries that work bar iron immediately from the ore or cinders, for each fire, any sum not exceeding four dollars.

All rolling and slitting mills, any sum not exceeding eight dollars.

All paper mills, any sum not exceeding eight dollars.

All snuff mills, any sum not exceeding six dollars.

All powder mills, any sum not exceeding ten dollars.

All oil mills, any sum not exceeding six dollars.

All plaster mills, any sum not exceeding four dollars.

All fulling mills, any sum not exceeding three dollars.

Every ferry or toll bridge, any sum not exceeding thirteen dollars.

All tan yards, where leather is tanned for sale or hire, for each vat, any sum not exceeding twenty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and twenty five cents: *Provided*, that every single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave, between the ages of fifteen and sixty

years, any sum not exceeding seventy five cents : *Provided*, that no slave shall be taxed who is unable to labor.

All distilleries, used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding twenty five dollars.

All other distilleries, used for distilling spirits, any sum not exceeding six dollars, having due regard to the size, capacity and use of said stills.

Every coach or chariot, any sum not exceeding three dollars.

Every phæton, coachee or four wheeled chaise, with steel or iron springs, any sum not exceeding two dollars and twenty five cents.

Every four horse stage wagon, any sum not exceeding three dollars.

Every two horse stage wagon, any sum not exceeding one dollar and seventy five cents.

Every covered wagon with a fixed or framed top, any sum not exceeding fifty cents.

Every two horse chair or curriole, and every two horse riding chair with steel or iron springs, any sum not exceeding one dollar.

Every riding chair, gig, Dearborne or pleasure wagon or sulkey, any sum not exceeding fifty cents.

Every printing, bleaching and dying company, any sum not exceeding three dollars.

Every glass factory, any sum not exceeding three dollars.

5. *And be it enacted*, That the said sum of twenty thousand dollars, shall be assessed, levied, and collected in the manner prescribed in the act entitled, an act concerning taxes, passed the tenth day of June, one thousand seven hundred and ninety nine, and the several supplements thereto ; and the several officers therein mentioned, ~~and hereby~~ required to perform the several duties on them enjoined ~~thereby~~, under the pains and penalties for neglect of duty imposed by said acts ; and the assessors, collectors and other officers, concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

*Approved December 28, 1824.*

**AN ACT** for the augmentation of the fund for the support  
of Free Schools.

1. BE IT ENACTED by the Council and General  
*Assembly of this state, and it is hereby enacted by the*  
*authority of the same;* That the one tenth part of all  
moneys to be raised by tax after the present year, for the  
use of the state, shall be, and the same are hereby set apart  
and appropriated to the Fund for the support of Free  
schools, and shall be vested in the trustees for the time  
being of that fund.

C. Passed December 28, 1824.

**AN ACT** for the settlement of a claim of Hugh Sweeny  
for indexing certain records.

WHEREAS by an act of June the sixth, one thousand eight  
hundred and twenty, the then secretary of state, James  
Linn, was directed to index certain records, mentioned  
in the tenth section of the said act; and it was provided,  
that the said secretary should be allowed twenty five  
cents, for every one hundred names so indexed; to be  
paid by the treasurer of this state, on a certificate signed  
by the governor, or person administering the government,  
of this state:—*And whereas*, it is alleged by Hugh  
Sweeny, that he is entitled to the said allowance for  
indexing the said records, he having performed the same,  
at great labor and expense of time and money, and un-  
der an agreement with the said James Linn, that he  
should receive the same:—*And whereas*, the governor  
is not authorized to issue a certificate for payment to the  
said Hugh Sweeny, under the act aforesaid, and it is  
proper that the moneys for indexing said records should  
be paid:—THEREFORE;

1. BE IT ENACTED by the Council and General  
*Assembly of this State, and it is hereby enacted by the*  
*authority of the same,* That the treasurer of this state, for  
the time being, is hereby authorized and required to exam-  
ine into the claim aforesaid of the said Hugh Sweeny, and

ascertain what moneys may have been paid either to the said James Linn or to the said Hugh Sweeny on the account aforesaid, if any hath been paid; and what is the whole amount of the sum due from the state for the indexing of the books of records, mentioned in the tenth section of the act aforesaid; and then to report, to the governor of this state a general statement thereof, showing what sum, if any, appears to be due for such services, to the said Hugh Sweeny or to the representatives of the said James Linn, respectively, and the evidence and proofs on which the said statement and opinion may be founded; and if the governor shall be satisfied from the said reports, evidence and proofs, that any sum of money is due, for said services, unto the said Hugh Sweeny, or unto the representatives of the said James Linn, respectively, he is hereby authorized to direct the same to be paid by the treasurer out of any unappropriated money in the treasury of this state: *Provided nevertheless*, that fifteen days notice, at least, be given to the said Hugh Sweeny, and to the executor or other legal representative of the said James Linn, deceased, when and where, the said treasurer, will proceed to enter upon the examination aforesaid and hear the parties concerned in the premises.

C. Passed December 28, 1824.

AN ACT to incorporate the Monmouth Bank.

Commissioners to open subscription &c.

1: BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That a subscription be opened for at least six days for one hundred thousand dollars in shares of twenty five dollars each, and that such subscription be taken in under the direction of William I. Bowne, James West, Alexander M'Gregor, John J. Ely and Nathaniel S. Wykoff, or a majority of them, in the town of Freehold; notice of which shall be given by advertising the same in one of the newspapers published in the city of New Brunswick and one other published in the city of Trenton, at least four weeks previous to such subscription; and should more stock be subscribed than the amount of capital, the said commissioners shall make an equitable deduction and apportionment.

*2. And be it enacted,* That the sums subscribed shall be paid in manner following, that is to say, five dollars on each share at the time of subscribing to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share when called for by the president and directors of the company, upon twenty days previous notice being given by the cashier of the company in the newspapers mentioned in the first section of this act; and any person, copartnership or body politic failing to pay any instalment or any part thereof at the times prescribed and required shall forfeit to the said company every share upon which there shall be a deficiency, and all money thereon previously paid.

*3. And be it enacted,* That all the affairs, property and concerns of the company shall be managed and conducted by eleven directors, and that John J. Ely, Daniel Directors and B. Ryall, Isaac K. Lippencott, John Bowne and John T. President Woodhull of Freehold, Alexander M'Gregor, James West, Doctor Samuel W. Tenbrook, Tylee Williams, Edmund W. Allen and Martin Chandler, of the township of Shrewsbury, shall be the first directors and shall respectively hold their offices until the first Monday in December, one thousand eight hundred and twenty five, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for president as herein after directed.

*4. And be it enacted,* That there shall be an election of directors on the first Monday in December annually, at the banking house of the company, at such hour as the directors may appoint, two weeks previous notice thereof being given in the newspapers before mentioned in this act, which directors shall hold their offices for one year and until others are chosen; a majority of which directors shall at all times be freeholders and inhabitants of the county of Monmouth, and no person shall be eligible as a director, who shall not be at the time a stockholder, and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, voting agreeably to the ratio hereinafter established for the number of shares held by them respectively, and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; *Provided* that in all cases where two or more persons shall have an equal number of votes, the directors of the preceding year or a

Shares, &c.  
how forfeited.

Election of di-  
rectors to be  
annually and  
by ballot.

Provis.

majority of them, shall by ballot and by a majority of votes determine which of the directors so having an equal number of votes shall be the director or directors so as to complete the whole number. And the directors so elected as soon as may be thereafter, shall elect one of their number by ballot and by majority of votes for president, who shall be an inhabitant of the county of Monmouth; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation or otherwise, such vacancy or vacancies, shall be filled for the remainder of the year by such person or persons as the other directors, for the time being or a majority of them shall appoint; and if the office of president shall at any time during the year become vacant by death, resignation, or otherwise, the directors shall meet as soon as may be thereafter and elect in the manner before mentioned another person qualified as aforesaid for president.

Vacancies,  
how to be  
filled.

5. *And be it enacted,* That if at any time it shall so happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made; it shall not impair the charter, but it shall be lawful for the corporation to hold an election on any subsequent day, upon due notice as aforesaid, and the directors so elected shall choose a president as herein before directed. And as soon as twenty five thousand dollars of the capital stock subscribed shall have been actually paid in, the said company may commence their banking business.

May hold  
election, &c.  
on a certain  
contingency.

Whence to  
commence  
banking op-  
erations.

Name of the  
incorporation,  
powers, priv-  
ileges, &c.

6. *And be it enacted,* That all such persons as shall become subscribers to the capital stock in the first section mentioned, their successors and assigns, shall be, and are hereby created and made a corporation and body politic by the name and style of "the president, directors and company of the Monmouth Bank;" and by that name, shall be, and are hereby made capable in law, to have and purchase, receive and possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature or kind soever, and the same to grant, demise, alien or dispose of, sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in any court of record, or in any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter and renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government

of said corporation, and to allow them such compensation for their services as shall be right and proper.

7. *And be it enacted,* That there shall be a meeting of the board of directors, every quarter, who shall have power to adjourn from time to time, and the president and any three of the directors, may call a special meeting at any other time they may think proper.

8. *And be it enacted,* That the said directors, at every quarterly meeting, shall choose three or more directors to inspect the business of the company for the ensuing three months; and the inspectors so chosen shall, twice in every three months, examine into the state of the cash account, the notes received and other business of the said company, and see that the accounts are regularly balanced and transferred.

9. *And be it enacted,* That any director, officer or other person holding any share, stock or capital of said company, who shall commit any fraud or embezzlement, touching the money or property, of the said company, shall be liable to be prosecuted in the name of the state, by indictment for the same in any court of law of this state, and upon conviction thereof, shall, besides the remedy that may be had by action in the name of the said corporation for the fraud aforesaid, forfeit to the said company, all his share or stock in the same.

10. *And be it enacted,* That the capital stock and funds of the corporation shall be deemed personal estate.

11. *And be it enacted,* That it shall, and may be lawful for the said company, from time to time, to increase their capital stock, by the addition of as many whole shares as shall be judged expedient by said company or a majority of them, voting in the manner herein before mentioned, at any general meeting of the company for that purpose, notified in the manner in the fourth section of this act prescribed:—*Provided*, That the whole number of additional shares, shall not exceed four thousand. And the members of the said company, for the time being, are hereby declared to have the preference of all other persons, for the space of thirty days after the determination to increase their capital as aforesaid, and all the proprietors of such additional shares, shall, and are hereby declared, to be thenceforward incorporated into the said company, and entitled to every benefit and privilege of the original subscribers.

12. *And be it enacted,* That it shall be lawful for the

commissioners named in the first section of this bill to fix upon such place in the county of Monmouth for transacting the business of the said company, as to the said commissioners or a majority of them shall seem proper.

Fundamental articles.

13. *And be it enacted,* That the following rules, regulations, restrictions, limitations and provisions, shall be fundamental articles of the constitution of said corporation—That is to say,

### I.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he, she, or they shall hold, in the proportion following; that is to say, for one share and not exceeding two shares, one vote; for every two shares above two, and not exceeding eight shares, one vote; for every four shares above eight, and not exceeding twenty shares, one vote; for every six shares above twenty, and not exceeding fifty shares, one vote; and for every ten shares above fifty, one vote.

### II.

Semianual dividends to be made, &c. but capital stock to be in-  
tangible.

After the first year, half yearly dividends shall be made to the stockholders, of so much of the profits of the banking business, as shall appear to the directors advisable; but the said directors shall not at any time, make any dividend of any part of the capital stock of said company; but only the net profits thereof: and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities; and an action of debt may be brought in such case, against them or any of them, their heirs, executors or administrators in any court of record of this state, by any creditor of said company, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; and such of the said directors as may have been absent when such dividend took place, or may have dissented from the act or resolution directing the same, may exonerate themselves from such liability, by forthwith giving notice of the fact of their absence or dissent, to the governor of the state, for the time being, and to the stockholders, at a general meeting, which they, the said directors, shall have power to call for that purpose; and once in every year, the directors shall lay before the stockholders, for their information, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, out of the surplus profit, if any, after deducting losses and dividends.

## III.

No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary services and attendance upon the business of the said company, as shall appear to them reasonable.

## IV.

Not less than six directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other director, chosen by the directors so met for business,—*Provided*, That three directors shall be sufficient to discount.

## V.

The stock of the said company, shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the said corporation; the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her or their assignee or assignees successively, and shall enable such assignee or assignees, to bring and maintain an action thereupon, in his, her or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the treasurer or principal cashier thereof, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same in like manner, and with the like effect, as upon any private person or persons, if issued by him or them in their private or natural capacity or capacities; and shall be assignable and negotiable in like manner as if they were so issued by any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable and negotiable by endorsement in like manner, and with the like effect, as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable or assignable by delivery;—*Provided*, That no bill or note issued by said corporation, payable to bearer, or to any other person or persons, his, her or their order, or bearer, shall express any place of payment other than the office of the said banking company.

Stock assignable  
and trans-  
ferable, &c.

## VI.

*Amount of debts limited, and directors liable for excess, &c.* The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, or note or contract, shall not exceed double the amount of the capital paid in; *Provided* the money deposited in the bank of said company shall not be considered as the debts of the said company within the provision of this clause, and in the case of excess the directors under whose administration it shall happen, shall be liable for the same in the manner prescribed in the second article of this section, unless absent or dissenting from the act or resolution by which such excess was created, in which case they may exonerate themselves from such liability by giving notice agreeably to the directions of the third article of this section.

## VII.

*Restrictions, and additional privileges, on a certain contingency.* The lands, tenements and hereditaments, or ships, steam boats or vessels, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation, in relation to the convenient transaction of its business, and such as shall be bona fide mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall be obtained for such debts, except a majority of the directors of the said bank, convened for that purpose by the president of the said bank, shall deem it expedient and proper to erect a steam boat ferry between the town of Shrewsbury in the said county of Monmouth and the city of New York; in which case the said corporation may set apart and appropriate any part of their capital stock paid in, not exceeding the sum of thirty thousand dollars, to the building or purchase of a steam boat or boats, docks, wharves, tavern house or other property necessary or proper for a ferry establishment: *And Provided also* that the steam boat or boats and tavern house, shall within two months after the same are purchased or built, be insured and be kept insured during the continuance of the said ferry establishment.

## VIII.

*Discount limited to six per cent.* The corporation shall not directly or indirectly, deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion or in the sale of goods which shall be the produce of its lands, nor shall the said corporation take more than six per cent. per annum, for its loans or discounts.

## IX.

In the appointment of a cashier or treasurer of the said corporation, the votes of a majority of the whole number of directors shall be necessary to a choice, and every cashier before he enters upon the duties of his office shall be required to give bond with two or more sureties to the satisfaction of the directors, in a sum not less than forty thousand dollars, conditioned for his good behavior.

*14. And be it enacted,* That if at any time after the passing of this act, the said president, directors, and company, should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their &c. Penalty on refusing to pay specie, &c.  
said bills, notes, and other evidences of debt, issued by the said corporation, and which shall be due and payable, the said president, directors and company, shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as their said president, directors and company shall resume the redemption of their said bills, notes, and other evidences of debt, in specie or other lawful money of the United States; and the said bank shall be liable to pay the holder or holders of all such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid or otherwise satisfied.

*15. And be it enacted,* That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of the amount of its capital stock paid in, and of its notes, debts and specie on hand: and if the Legislature, To make an annual statement to the Legislature, &c. said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter and all the privileges hereby conferred, shall cease and be for ever at an end.

*16. And be it enacted,* That the said president and directors of the Monmouth bank, within ninety days after they commence their banking operations shall pay or cause to be paid to the treasurer of this state, two per cent. on their capital stock, and the one half of one per cent. annually, all of which shall be applied to the benefit of the school fund: and further, this charter may remain and continue in force, for the

term of twenty one years ; subject, nevertheless, to be altered, amended or repealed, at the discretion of the Legislature.

C. Passed December 28, 1824.

**AN ACT** regulating the boundaries, and incorporating the inhabitants of certain townships in the counties of Sussex and Warren, and incorporating the board of chosen freeholders in the said county of Warren, and for other purposes.

Boundaries of  
the township  
of Green, &c.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That all that part of the townships of Hardwick and Independence, lying northeasterly of the line of division, between the counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning in the middle of the Musconetcong creek, where the line run by John Lawrence, called East and West Jersey line crosses the same, thence running up the said line northwesterly to a point in said line, to be ascertained as hereinafter mentioned, thence running southwesterly until it intersects the line of division, between the counties of Warren and Sussex aforesaid, at a point to be ascertained in like manner, thence down the said division line southeasterly to the middle of the Musconetcong creek, thence up the same, the several courses thereof to the place of beginning, be, and the same is hereby erected into a new township, to be called the township of "Green."

Stillwater.

**2. And be it enacted,** That all that part of the township of Hardwick, lying northeasterly of the division line between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning in the line of division between the said counties of Sussex and Warren, at the northwesterly corner of the township of Green, thence running northeasterly along the line of said township to the aforesaid line called the East and West Jersey line, thence running up the said line in a straight direction to the summit of the Pahaqualong or Blue mountain, thence southwesterly along the summit of the said mountain, to where the aforesaid line of division, between the said counties of Sussex and Warren crosses the same, thence down the said division line southeasterly to the place of beginning;

be, and the same is hereby erected into a new township, to be called the township of "Stillwater."

3. *And be it enacted,* That Nathaniel Saxton, Thomas Gordon, and Benjamin M'Courry, be, and they are hereby appointed commissioners to locate and determine the line of division between the townships of Stillwater and Green, above mentioned; that it shall be the duty of the said commissioners, after having given ten days previous notice of the time and place of their meeting, by advertisement published in the Sussex Register, to meet at the time and place so appointed, and to view and examine the premises; and they or any two of them agreeing, shall fix upon and ascertain the extreme points or corners, and locate and determine the line of division between the said townships of Green and Stillwater, at such place as they in their discretion shall think most proper, and conducive to the interest and convenience of the said townships; and shall run, survey and mark the said line, and make a map and report thereof, under their or any two of their hands; which report shall be delivered to the clerk of the court of common pleas of the county of Sussex, who shall record the same in the records of returns of roads, and file the same in his office: and the line so determined by the said commissioners, shall be, and the same is hereby established and declared to be the line of division between the said townships of Green and Stillwater: and the said commissioners shall severally be entitled to receive as a compensation for their services the sum of five dollars per day, besides the expense of chain bearers, and other necessary assistants, one half to be paid by each of the said townships.

4. *And be it enacted,* That all that part of the township of Walpack, lying northeasterly of the division line between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning in the said division line where it crosses the summit of the Pahaqualong or Blue mountain, thence northeasterly along the summit of the said mountain, to the northeast corner of the township of Stillwater, in the line called the East and West Jersey line aforesaid, thence up the said line in a straight direction to the river Delaware, thence down the said river the several courses thereof, to the mouth of Flat brook, thence down the said line of division, between the counties of Sussex and Warren, to the place of beginning; be, and the same is hereby erected into a separate township, to be called the township of "Walpack."

Walpack.

Pahaquarry.

*5. And be it enacted,* That all that part of the township of Walpack, lying southwesterly of the division line, between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning at the commencement of said division line on the river Delaware, at the mouth of Flat brook, thence runing along the said division line southeasterly to the summit of the Pahaqualong or Blue Mountain, thence along the summit of the said mountain southwesterly to the Delaware river, at the Water Gap, opposite to a place called the Indian ladder, thence up the said river Delaware, the several courses thereof, to the place of beginning, be, and the same is hereby erected into a new township, to be called the township of "Pahaquarry."

Hardwick.

*6. And be it enacted,* That all that part of the township of Hardwick, lying southwesterly of the division line, between the said counties of Sussex and Warren, and included within the following boundaries, that is to say; beginning at the southeasterly corner of the township of Pahaquarry, on the summit of the Pahaqualong or Blue Mountain, in the line of division, between the counties of Sussex and Warren, thence down the said division line southeasterly, passing the northeast corner of the Hardwick Meeting house, and continuing the same course until it intersects the line of the township of Independence, thence along the said line westerly to the corner of the township of Independence, in the line of the township of Oxford, thence along the line of the townships of Oxford and Knowlton, to the northeasterly corner of said township of Knowlton, in the line of the township of Pahaquarry, on the summit of the Pahaqualong or Blue Mountain, thence along the summit of said mountain and the line of the said township of Pahaquarry, northeasterly to the place of beginning, be, and the same is hereby erected into a separate township, to be called the township of "Hardwick."

Independence.

*7. And be it enacted,* That all that part of the township of Independence, lying southwesterly of the division line between the said counties of Sussex and Warren, included within the following boundaries, that is to say; beginning at the present corner of the townships of Independence and Hardwick, in the Oxford line, thence along the line of the said township of Hardwick about north sixty four degrees and fifteen minutes east, until it intersects the line of division between the said county of Sussex and Warren, being also the line of Green township, thence along the said line southeasterly to the middle of the Musconetcong creek,

thence down the middle of said creek the several courses thereof, to a tree, the present corner of the township of Mansfield, thence along the line of said township about north sixty degrees west, six miles to the corner of the township of Oxford, on Pequest river, thence along the line of the township of Oxford, about north eleven degrees west, four miles to the place of beginning, be, and the same is hereby erected into a separate township, to be called the township of "Independence."

*8. And be it enacted,* That the inhabitants of each and every of the several townships, hereinafter mentioned, be, and they hereby are constituted a body corporate and politic in law, by the following names, that is to say:—

Incorporation  
of townships.

That the inhabitants of the township of Green, in the county of Sussex, shall be styled and known by the name of "The Inhabitants of the township of Green, in the county of Sussex."

That the inhabitants of the township of Stillwater, in the said county of Sussex, shall be styled and known by the name of "The Inhabitants of the township of Stillwater, in the county of Sussex."

That the inhabitants of the township of Walpack, in the said county of Sussex, shall be styled and known by the name of "The Inhabitants of the township of Walpack, in the county of Sussex."

That the inhabitants of the township of Pahaquarry, in the county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Pahaquarry, in the county of Warren."

That the inhabitants of the township of Hardwick, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Hardwick, in the county of Warren."

That the inhabitants of the township of Independence, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Independence, in the county of Warren."

That the inhabitants of the township of Knowlton, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Knowlton, in the county of Warren."

That the inhabitants of the township of Oxford, in the

said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Oxford, in the county of Warren."

That the inhabitants of the township of Mansfield, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Mansfield, in the county of Warren."

That the inhabitants of the township of Greenwich, in the said county of Warren, shall be styled and known by the name of "The Inhabitants of the township of Greenwich, in the county of Warren."

*Powers, privileges, &c.* 9. *And be it enacted,* That the inhabitants of each and every of the said townships, respectively, shall be, and they hereby are, vested with, entitled unto, and authorized to exercise and enjoy, all the franchises, powers, privileges, immunities, and authorities, and shall be, and they hereby are, made subject to all the rules, regulations and government, which the inhabitants of the other townships in this state, incorporated by the act, entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty first of February, one thousand seven hundred and ninety eight, and the supplement to the said act passed the twenty second of May, one thousand eight hundred and twenty, are entitled and subject to.

*Townmeetings, when to be held in the different townships.* 10. *And be it enacted,* That the first townmeeting hereafter to be held in the said township of Green, in the county of Sussex, shall be held at the house now occupied by Amos Shiner, in the said township, on the second Monday in April next; and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter to be held in the said township of Stillwater, in the said county of Sussex, shall be held at the house now occupied by Nathan A. Shafer, at the village of Stillwater, in the said township, on the second Monday in April next, and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter to be held in the said township of Walpack, in the said county of Sussex, shall be held at the house now occupied by John Vanauken,

in the said township, on the second Monday in March next, and that all townmeetings thereafter shall be held on the second Monday in March, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter to be held in the said township of Pahaquarry, in the said county of Warren, shall be held at the house now occupied by James Van Campen, in the said township, on the second Monday in March next, and that all townmeetings thereafter shall be held on the second Monday in March, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter, to be held in the said township of Hardwick, in the said county of Warren, shall be held at the house now occupied by Morris Sharp, in the said township, on the second Monday in April next, and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township, as the electors thereof shall, from time to time direct and appoint.

That the first townmeeting hereafter, to be held in the said township of Independence, in the said county of Warren, shall be held at the house now occupied by Jacob Sharp, in the said township, on the second Monday in April next and that all townmeetings thereafter shall be held on the second Monday in April, annually, at such place in the said township, as the electors thereof shall, from time to time, direct and appoint.

11. *And be it enacted,* That the town committees of the townships of Pahaquarry and Walpack, shall meet at the house now occupied by John Vanauken, in the said township of Walpack, on the Monday after the next annual town-meeting, in said townships, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships, all moneys on hand, moneys due and owing and choses in action, belonging to the former township of Walpack in proportion to the taxable property and ratables, as taxed by the assessor, at the last assessment, within the limits of the present townships of Pahaquarry and Walpack, respectively; and in case of the absence of any of the members of either of the said town committees, those assembled at the time and place aforesaid, shall proceed to make the said division, and the decision of a majority of those present, shall be final and con-

clusive; and the inhabitants of the said township of Pahaquarry, shall be liable to pay their just share in the same proportion of all debts, if any there be, due and owing by the late township of Walpack.

That the town committees of the townships of Hardwick, Stillwater and Green, shall meet at the house now occupied by Morris Sharp, in the said township of Hardwick, on the Monday after the next annual townmeetings, in said townships, and proceed to divide in like manner as aforesaid, all moneys on hand, moneys due and owing, and choses in action, belonging to the late township of Hardwick; and the inhabitants of the said townships of Stillwater and Green, respectively, shall be liable to pay their respective shares in like proportion, of all debts, if any there be, due and owing by the late township of Hardwick.

That the town committees of the townships of Independence and Green, shall meet at the house now occupied by Jacob Sharp, in Hacketstown, in the said township of Independence, on the Wednesday a week after the next annual townmeetings in said townships, and proceed to divide in like manner all moneys on hand, moneys due and owing, and choses in action, belonging to the late township of Independence, and the inhabitants of the said township of Green, shall be liable to pay their share in the like proportion, of all debts, if any there be, due and owing by the late township of Independence.

*12. And be it enacted,* That it shall be the duty of the assessors of the several townships in the said counties of Sussex and Warren, respectively, to meet at the house now occupied by Jason King, innkeeper in Newton, on the third Tuesday of February next, at ten o'clock in the forenoon of said day, at which time and place the collector of the late county of Sussex, shall attend, and the said assessors or such of them as shall attend, shall then and there settle with the said county collector, and ascertain the amount of all county moneys remaining in his hands, and moneys due and owing, and choses in action, belonging to the late county of Sussex, and make a division thereof between the said counties of Sussex and Warren, in proportion to the taxable property and ratables in the said counties, respectively, according to the last assessment, by writing, signed by them and by the said collector, and it shall be the duty of the said collector of the county of Sussex, to pay over to the collector of the county of Warren, as soon as he shall be appointed, the proportion of said county moneys so found to belong to the county of Warren; for which his receipt shall be a sufficient voucher for the collector.

*Public mon.  
eys how to be  
divided, &c.*

of the said county of Sussex, in his settlement with the board of chosen freeholders of said county ; and it shall be the duty of the said assessors and collector, to lay before the boards of chosen freeholders of the counties of Sussex and Warren, respectively, at their next annual meeting, correct statements of the settlements and division aforesaid ; and the said county of Warren, shall be liable to pay their share in the like proportion of all debts, if any there be, due and owing by the late county of Sussex.

13. *And be it enacted,* That the chosen freeholders of the several townships in the said county of Warren, shall be, and they hereby are constituted a body politic and corporate in law, and they shall be styled and known by the name of "The Board of Chosen Freeholders of the county of War- Board of  
re<sup>n</sup>, and shall have, hold, use, exercise and enjoy the same franchises, powers, privileges, immunitiess, jurisdiction and authority, and be subject to the same rules, regulations, restrictions and penalties as the boards of chosen freeholders of the other counties within this state are entitled and subject to, according to the existing laws of this state :—that the board of chosen freeholders of said county shall meet at the house now occupied by James M'Murtrie, innkeeper, in Belvidere, in the township of Oxford, in said county, on the day appointed by law for the next annual meeting of the board of chosen freeholders, in the other counties of this state ; and afterwards at such place as they may appoint, until a court house shall be built in said county.

14. *And be it enacted,* That courts of common pleas, and courts of general quarter sessions of the peace, shall be held in and for the said county of Warren, on the second Tuesday of February, first Tuesday of June, fourth Tuesday of August, and third Tuesday of November, annually ; and that circuit courts and courts of oyer and terminer, and general jail delivery, shall be held in and for the said county, on the first Tuesday in June, and third Tuesday in November, annually ; and that until the seat of justice, in and for said county, shall be determined, and a court house built in the manner hereinafter directed, the said courts shall be held the first term after the passing of this act, at the house now occupied by James M'Murtrie, in Belvidere, in the township of Oxford, in said county, on the second Tuesday in February next ; the next term at the house now occupied by John P. Ribble, in the township of Mansfield, and the ensuing term at the house formerly occupied as the Moravian Church in the village of Hope, in the said county of Warren—and so alternately, until the court house in the said county shall be

prepared for their accommodation. And all process, and other proceedings shall be made returnable accordingly. And it shall be the duty of the sheriff of the said county, to cause notice of the times and places of holding such courts to be given, by publishing a copy of this section in some newspaper circulating in said county, for six weeks successively, next after the end of the present sitting of the legislature.

**Election for a site for a court house, &c.**

15. *And be it enacted,* That an election for the seat of justice or place where the court house, jail and other public buildings shall be erected in the said county of Warren, shall be held at the places appointed for holding the next annual townmeetings, in the several townships in the said county, on the third Tuesday in April next, and Wednesday following; that the clerks of the several townships of Greenwich, Mansfield, Independence, Oxford, Knowlton and Hardwick, and of the late township of Walpack, shall give notice of the times and places of holding such election, by advertisements set up in three of the most public places in the township of Pahaquarry, and in each of the other townships in the said county of Warren, respectively, at least two weeks before the said time.

**How to be conducted.**

16. *And be it enacted,* That the said election, for the seat of justice, shall be held and conducted by the same officers, who hold and conduct the annual election for members of council and assembly, sheriff and coroners, in this state; and shall be conducted, continued and concluded in all respects according to the same rules and regulations, and under the same restrictions and penalties as are prescribed by the laws of this state, regulating the election of members of council and assembly, sheriff and coroners, in this state, except so far as the same is herein altered or supplied.

17. *And be it enacted,* That the respective officers holding or conducting the said election, shall severally, before they receive any votes, take the oath or affirmation prescribed for them, respectively, in and by the laws of this state, regulating the election of members of council, assembly, sheriff and coroners, in this state.

**Qualification of voters, how to be tested.**

18. *And be it enacted,* That no person shall vote at such election for the seat of justice, who did not at the time of the passing of this act, reside within the bounds of the said county of Warren, and whose name was not on the duplicate or list of taxable inhabitants, of the collector of the townships of Greenwich, Mansfield, Oxford, Knowlton, or of the late townships of Independence, Hardwick or Walpack, at the last annual election for members of the Legislature of

this state ; and that the collector of the said late township of Walpack, is hereby enjoined and required to lay before and deliver to the judge of election, in the said township of Pahaquarry, and that the several collectors of the said townships of Greenwich, Mansfield, Oxford, Knowlton, Independence, and Hardwick, are also hereby respectively enjoined and required to lay before and deliver to the respective judges of election, in their respective townships, at their respective places in the said several townships, where the said election for the seat of justice, is by this act directed to be holden, at the opening of the poll, at ten o'clock on the morning of the first day of such election, for public examination during the election; and that each of the said collectors shall at the same time make oath or affirmation before the judge of election, to whom he is hereby directed to deliver his said duplicate, who is hereby authorized and required to administer the same, that the said duplicate so delivered to the said judge of election is his, the said collector's real, true and authentic duplicate of the year one thousand eight hundred and twenty four ; and that it does not contain the name of any person who was not, to the best of his knowledge and belief, resident at the time of making such duplicate, in the then county of Sussex, taxable, and entitled to vote at the annual election for members of the Legislature of this state, in the said county of Sussex.

19. *And be it enacted,* That if any person shall vote or offer to vote at such election for the seat of justice, in the said county of Warren, who did not at the time of the passing of this act, reside within the bounds of said county, or who is not by the laws of this state competent to vote at the election for members of council and assembly, sheriff and coroners, or who is not by the requisitions of this act, entitled to vote at the said election for the seat of justice in said county; or if any judge of election shall knowingly receive any vote so wrongfully offered, or given contrary to the laws of this state, or to the injunctions of this act, or if any collector of any of the townships in the said county of Warren, or of the late townships through which the said division line between the said counties of Warren and Sussex passes, shall neglect or refuse to deliver to the judge of said election his said duplicate or list of taxable inhabitants of the last year, to wit ; of the year one thousand eight hundred and twenty four, for the purposes aforesaid, and at the time and places mentioned in the preceding section of this act, or shall refuse to make the oath or affirmation therein required ; or if any judge of said election, assessor, collector, town clerk, or other officer or person concerned in conducting the said election for the seat

Judges of  
election in re-  
ceiving illegal  
votes, &c.  
Penalty, &c.

of justice, shall neglect or wilfully, and improperly delay, or make default in the performance of any duty or thing required of them respectively by this act, or shall be guilty of any fraud, corruption, partiality, or manifest misbehavior and dishonesty in conducting the said election for the seat of justice, in the said county of Warren, or in any matter or thing appertaining thereto, or shall unduly attempt to influence the said election; then every person so wrongfully voting or offering to vote, and every such judge of the said election, assessor, collector, town clerk, or other officer or person so offending, shall for every such offence, on conviction thereof, in addition to the penalty imposed by the laws of this state, regulating elections for members of council and assembly, sheriff and coroners in this state, forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in any court of competent jurisdiction, by any person who will sue for the same, the one half to be paid to the overseers of the poor of the township, in which such offence shall have been committed, for the use of the poor of such township, and the other half to the use of the person who shall sue for and prosecute the same to effect; *Provided*, the same be sued for within one year from the time of holding the said election.

*Duties of judges, inspectors and clerks.* 20. *And be it enacted*, That the judges and inspectors of the said election, in the respective townships in the said county of Warren, upon the conclusion of said election, shall carefully count the votes received at said election, and make a certificate under their hands and seals, containing the whole number of votes taken in their respective townships, and the number taken for each place voted for as the seat of justice for said county; and shall on or before the hour of three o'clock, in the afternoon of the Saturday next, after the day of election, transmit and deliver to the clerk of the court of common pleas, of the said county of Warren, at the house now occupied by James M'Murtrie, in Belvidere aforesaid, the said certificate of the judges and inspectors of the election, together with the list of the voters whose votes were taken at the said election; which certificate and list shall be filed by the said county clerk, who shall in the manner prescribed by law, faithfully count the said votes; and the place having a majority of the whole number of votes so taken, he shall certify to the board of chosen freeholders at their next meeting, under his hand and seal, to be the place chosen for the seat of justice in the said county, and the same shall be entered in words at length, on the minutes of the said board.

21. *And be it enacted*, That if it so happen that no one place should have a majority of the whole number of votes at the first election, then and in that case it shall be the duty of the director of the board of chosen freeholders of said county of Warren, to call a meeting of the board within thirty days after the said election, who when met, or a majority of them shall appoint another election to be held for the purpose aforesaid, and shall cause notice, in writing, of the time of holding such second election, to be served on the clerks of the respective townships in the said county of Warren, at least twenty days before the time appointed for holding said election; and thereupon the clerks of the townships shall give notice by advertisements, as required of them, respectively, for the said first election, two weeks at least before the time appointed for the said second election; designating the time and places, when and where, the said second election shall be held; which said election shall be held at the same places, and conducted in every respect in like manner, and under the same rules, regulations and penalties, as are prescribed for the first election; and the place having a majority of the whole number of votes, shall be the seat of justice, or place where the said court house, jail and other public buildings for said county of Warren shall be built.

22. *And be it enacted*, That the clerk of the said county, judges, inspectors, and other officers, at the said election, shall be entitled to the same fees that they are entitled to for the like services by the laws of this state regulating elections; and the clerk of the county for any extra services required by this act, shall be allowed such further sum as the board of chosen freeholders, at their next meeting shall deem just, to be paid by the collector of the said county of Warren.

23. *And be it enacted*; That Nathaniel Saxton, Thomas Gordon and Benjamin M'Courry, be, and they are hereby appointed commissioners to receive proposals, and to determine the site for erecting the public buildings, at the place so chosen for the seat of justice in said county of Warren; which commissioners shall meet at the place so chosen, within thirty days next, after the said election, and then and there receive proposals from any person or persons offering a lot or site for the erection of the said public buildings; and the said commissioners, or a majority of them, shall within thirty days next, after the said election, determine and fix the site for the erection of the public buildings, at, or within one mile of, the place so chosen; and shall forthwith sign a certificate of their proceedings, and deliver the same to the president of the board of chosen freeholders, of the said

county of Warren, and the same shall be entered on the minutes of the said board.

**24. And be it enacted,** That the board of chosen freeholders of the said county of Warren, shall upon the call of the director, or upon their own adjournments, from time to time, as often as occasion may require, meet together, at such place as they may appoint for that purpose; and they or a majority of them are hereby authorized and required in their corporate name, and for the use of the county, to purchase a lot on which to erect the public buildings, and to order money to be raised by taxes, to be assessed on the inhabitants of the said county, for the purpose of erecting a court house, jail, clerk's and surrogate's offices; and to appoint one or more agents or managers to direct and superintend the building thereof; and by themselves, their agents or managers to contract with, and employ workmen, provide materials, do all such acts, and take all such measures as they may deem necessary, for carrying on and completing the said buildings, in the best manner for the interest of said county; and that all persons who may be by them intrusted with the public money, shall be accountable to the said board for the expenditure thereof, as by law they are obliged to account for other money of said county.

**25. And be it enacted,** That to raise money for the purchase of a lot of land, whereon to erect the public buildings, and defray the expense of erecting the same, the assessors and collectors of the several townships in the said county, may and shall in their townships respectively, from time to time as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said county shall direct, in the manner state and county taxes are assessed and collected; which money shall be paid to the county collector, who is hereby required to pay out the same for the purposes aforesaid, agreeably to the directions of the said board; and if any assessor or collector shall neglect or refuse to perform any duty required of him under this act, he shall be liable to the same fines and penalties, as are inflicted by the act entitled "An act to incorporate the chosen freeholders in the respective counties of this state," passed the thirteenth of February, one thousand seven hundred and ninety eight, and the act entitled "An act concerning Taxes," passed the tenth of June, one thousand seven hundred and ninety nine; and the several officers in the said acts mentioned, are hereby required to perform the several duties enjoined on them in this act, or resulting therefrom, under the same penalties as in the said several acts are imposed; and

The board of  
freeholders to  
purchase a lot,  
erect a court  
house, &c.  
and to assess  
and collect  
money, &c.

The duty of  
assessors  
collectors, &c.

they shall respectively be allowed such fees as are allowed by law, for assessing and collecting the county taxes.

26. *And be it enacted,* That the courts of common pleas and general quarter sessions of the peace, in and for the said county, shall be held at the said court house, at their next term, after the same shall be ready for their accommodation; and all writs and process, and proceedings issuing out of, or returnable before, the said courts, shall be returnable at the place where the public buildings shall be so erected.

27. *And be it enacted,* That whenever the judges of the court of common pleas of the county of Warren, or any three or more of them, either in term time or vacation, shall be of opinion that the jail erected in and for the said county of Warren, is finished in such a manner as to be safe for the confinement of prisoners, they shall so determine, and shall certify the same by writing under their hands, to the clerk of the court of common pleas of said county, who shall enter the said certificate on the minutes of the court; and thereupon it shall be the duty of the sheriff of the said county of Warren, to remove all prisoners of the said county of Warren, that may then be confined in the jail of the county of Sussex, to the said jail of the county of Warren, and such removal shall not be deemed an escape, or in anywise charge or affect the said sheriff.

28. *And be it enacted,* That in all cases where any judgment hath been obtained, in the court of common pleas, of the said county of Sussex, or shall hereafter be obtained in any action, suit or proceeding actually commenced or depending in said court, before the first day of January next; such judgment shall be deemed, esteemed and taken to be a lien upon the real estate of the defendant, or party against whom such judgment hath been or shall be rendered, situate in the county of Warren, as well as in the said county of Sussex; and it shall and may be lawful for the said court, upon such judgment, to award and issue writs of execution of any kind, allowed by law in other cases, directed to the sheriff of the said county of Sussex, who is hereby authorized to execute the same, within the limits of the said county of Warren, as fully and amply in every respect as the sheriff of the said county of Sussex could have executed the same, within the limits of his county.

29. *And be it enacted,* That upon any such judgment as is mentioned in the last preceding section, it shall and may be lawful for the said court of common pleas, of the county of Sussex, to award and issue any writs of scire facias,

allowed by law in other cases, directed to the sheriff of the said county of Sussex, who is hereby authorized to serve the same within the limits of said county of Warren, and thereupon such proceedings shall be had, judgment awarded, and execution issued, as the plaintiff or party prosecuting the same, would have been entitled to in other cases; and that the writ or writs of execution which shall be issued on such judgments shall be directed to and executed by the sheriff of the county of Sussex, in either of the said counties of Sussex or Warren; and the notices required by law of the sale of any property levied on by virtue of such execution, executions, shall be given in the county in which the property levied upon shall be taken or situated.

*30. And be it enacted,* That all writs of execution which have been issued, or which shall be issued upon judgment obtained in the court for the trial of small causes in the late county of Sussex, or in either of the said present counties of Sussex or Warren, before the first day of January next, shall be proceeded upon and executed by the proper officers in either of the said counties of Sussex or Warren, as if the said late county of Sussex had not been divided.

*31. And be it enacted,* That the militia of the said county of Warren shall form a separate brigade, to be called the Warren brigade of militia, Warren Brigade, and that the militia of the present county of Sussex shall also constitute a separate brigade, to be called the Sussex brigade, and that the said brigades shall be subject to the same government and regulations as other brigades of this state; and that the said brigades, together with the Hunterdon brigade, shall form, as heretofore, the fourth division of the militia of this state.

C. Passed December 27, 1824.

#### AN ACT to incorporate the New Jersey protection and Lombard Bank.

Preamble.

WHEREAS Abraham Reynolds, Thomas Ward, John D. Herring, Garret Ackerson, Daniel M'Laren, jun. John F. Delaplaine and others, associated under the name and style of "The New Jersey Protection and Lombard Bank," by their petition, presented to the legislature, have prayed to be incorporated as a company and body corporate THEREFORE,

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1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as shall become stockholders of said company, and their successors, be, and they are hereby created a body corporate and politic by the name of "The President and Directors of the New Jersey Protection and Lombard Bank" and by that name they and their successors, may and shall have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and may have a common seal and alter the same at pleasure.

Name of the Incorporation.

2. And be it enacted, That the capital stock of the said corporation shall be four hundred thousand dollars, divided into shares of one hundred dollars each; and it shall be the duty of said commissioners, or a majority of them, to apportion the said stock, in case of an excess, among the several subscribers in proportion to the amount of their several subscriptions.

Capital stock.  
Shares.

Duty of Com-  
missioners.

3. And be it enacted, That subscription books to said stock shall be opened in the cities of Jersey and New York, under the direction of Daniel McLaren, jun., John F. Delaplane, William A. Tomlinson, Abraham Reynolds, John D. Haring and Garret Ackerson, or a majority of them, who are hereby appointed commissioners for that purpose; but it shall nevertheless be lawful for the said corporation, when and as soon as two hundred thousand dollars of said capital stock shall have been subscribed and paid, to commence their said business, and with that capital to conduct and carry on, until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, as the directors for the time being may deem expedient, to the amount herein before mentioned.

Books where  
to be opened,  
etc.

May extend  
capital.

4. And be it enacted, That it shall be lawful for the said corporation to loan money upon real estate, public stock and personal property of any description, to make all kinds of insurance against loss or damage, either by fire or water, within the United States, and on the coasts thereof, and to issue bills of credit not exceeding the amount of its capital paid in; - Provided nevertheless, that all loans upon real estate shall be secured by mortgage, in the usual manner heretofore practised in this state, and not otherwise; Provided, that every person or persons, who shall have obtained any loans of said

Loans and In-  
surance, &c.

Proviso.

company upon any pledge of personal property, shall be permitted to renew the loans on the like sum upon the same pledge for a like term as that of the first loan, provided the pledge shall not have depreciated in value, and in that case by an increased pledge to the value of such depreciation: and *Provided also*, that no loan upon personal property to be pledged, shall be made unless the appraised value thereof shall amount to the sum of twenty five dollars.

*5. And be it enacted,* That when the commissioners appointed by this act shall have received and apportioned the subscriptions to the capital stock and the sums to be paid in at the time of subscribing, they shall call a meeting of the stockholders by giving fifteen days notice in at least one newspaper printed in the county of Bergen, and Essex, and one in the city of New York, and elsewhere if deemed expedient; and said stockholders shall proceed to the choice of nine directors, a majority of whom shall be inhabitants of this state, to manage the concerns of said corporation, and said commissioners shall be inspectors of said election, which shall be by ballot, and shall be decided by a majority of votes then given, in allowing one vote to each share of stock; and said commissioners shall certify, under their hands, the names of the persons so elected for directors, and shall deliver over to them the said subscription books, and the monies paid in, and the said directors shall meet as soon as may be after said election, and proceed to choose out of their body one person to be president of said corporation, and shall also appoint a cashier and such other officers, and such agents, appraisers, clerks and servants as they shall deem proper for conducting the business of said corporation.

*6. And be it enacted,* That all the officers and persons appointed to act for this corporation, shall be chosen for one year; and the directors shall have power to fill any vacancies among themselves that may occur either by death, refusal to serve, resignation or removal, for the residue of the term; and said directors shall have power to make, repeal and alter all such by-laws, rules or regulations, as to them shall appear needful and proper, for the well conducting of the affairs of said corporation in all respects *Provided however*, That such by-laws shall not be contrary to this charter, the laws and constitution of this state or of the United States; and said directors shall declare dividends from time to time of such part of the profits as they shall deem expedient.

*7. And be it enacted,* That on all sums loaned by said corporation on real or personal estate, the rate of interest

Meeting of  
Stockholders  
to be adver-  
tised, and  
directors and  
president,  
cashier, &c.  
chosen.

Vacancies  
how to be fil-  
led, &c.

By-laws.

shall in no case exceed six per cent. per annum; and all policies of insurance made by said corporation, shall be signed by two persons duly authorized to do the same, and shall be binding and obligatory on said corporation; and all bills issued by said corporation payable on demand, shall be paid in specie when required by the holder or holders thereof.

**8. And be it enacted,** That the stock, property and concerns of the said corporation shall be managed and conducted by nine directors, who shall be chosen from among the stockholders, in the manner aforesaid, and may respectively hold their offices for one year from the day of their election, or until others are chosen and no longer; which directors shall at all times be stockholders in the said company, in their own rights, and shall be citizens of the United States; and every election shall be held on the first Tuesday of January, in each and every year thereafter, at such time and place as the board of directors for the time being shall appoint; of which election notice shall be given in a public newspaper published in the county of Bergen, and one in the city of New York, at least ten days immediately preceding such election; and such election shall be held under the inspection of three stockholders, not being directors, to be appointed previously to every election by the board of directors, and such election shall be made by ballot, and by a plurality of votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock, (but no share shall entitle the holder to vote, unless the same shall have been held by him or her, at least sixty days next immediately preceding such election.)

Election of officers to be annually.

**9. And be it enacted,** That in case it should at any time happen, that an election of directors could not be made on any day, when pursuant to this act it ought to have been made; the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Elections to be regulated by the By-laws.

**10. And be it enacted,** That all contracts and agreements whatsoever made by the president and directors of the said corporation, although not under the corporate seal thereof, shall be binding on them and their successors; that it shall be the duty of the said corporation, to use all reasonable diligence in the preservation of the articles which shall be pledged as security; and such articles pledged, shall be appraised by persons appointed by the directors, and the cashier shall deliver to the person, who shall pledge any goods,

Contracts though not binding under corpor. rate seal, &c.

Location,

16. *And be it enacted*, That said corporation shall be located, either at the city of Jersey, or at Hoboken, in the county of Bergen.

Limitations,&amp;c

17. *And be it enacted*, That this act shall be and continue in force, for, and during any time not exceeding twenty one years from the passing thereof: and it shall be lawful for the legislature at any time hereafter to alter amend or repeal the same.

Directors may  
be increased  
to a certain  
number.

18. *And be it enacted*, That in case the directors shall at any time deem it expedient to increase their number, they shall have power so to do; and may at any meeting at which a majority of the directors shall be present, determine how many additional directors shall be chosen, and shall proceed to elect the same by ballot, and such additional directors so chosen, shall be directors in said corporation until the then next annual election; and at such next and every preceding annual election, such additional number shall be included with the former directors, in the election by the stockholders; *provided however*, that the whole number of directors, of said corporation shall never exceed fifty..

Bonus.

19. *And be it enacted*, That this act, and the grants herein before mentioned, are upon this express condition, that the sum of twenty five thousand dollars be paid to the treasurer of this state, in thirty days from and after commencing the operations of said company, as a consideration for granting this charter, the same to be appropriated to the school fund.

A. Passed December 29, 1824.

Preamble.

AN ACT to erect the southwesterly part of Sussex county into a separate county, to be called the county of Warren.

WHEREAS the inhabitants of the lower part of Sussex county have set forth by petition that they are laboring under great inconvenience and expense, by reason of their distant situation from the seat of justice of the said county, and have prayed that the same be divided, THEREFORE—

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the lower part of the coun-

ty of Sussex, southwesterly of a line beginning on the river Delaware, at the mouth of Flat brook, in the township of Walpack, and running from thence, a straight course to the Name, northeast corner of the Hardwick Church, situated on the south side of the main road leading from Johnsonsbury to Newton, and from thence in the same course to the middle of the Musko-  
netcong creek: he and the same is hereby erected into a separate county, to be called the county of **WARREN**; and a line running from thence down the middle of the said Musko-  
netcong creek to where it empties into the Delaware, shall hereafter be the division line between the counties of Morris and Hunterdon and the said county of Warren.

*2. And be it enacted,* That the said county of Warren shall have and enjoy all the jurisdiction, powers, rights, privileges, liberties and immunities which any other county in this state doth or may enjoy; and that the said county of Warren and the said county of Sussex shall each elect, in the same manner as other counties of this state do, two members from each county to represent them in the General Assembly, and one member from each county to represent them in the legislative council of this state and no more, until otherwise regulated by law.

Powers and  
privileges.

*3. And be it enacted,* That Nathaniel Saxton, Thomas Gordon and Benjamin M'Courry, be, and they are hereby appointed commissioners, and authorized and directed to run out, ascertain, fix and mark the line, described in the first section of this act, before the first day of May next, and to make and file in the secretary of state's office within six months thereafter, a report of the said line, describing its course, route and distance, and the most remarkable places, objects and monuments thereon,—and that the said line so run out, ascertained, fixed and marked, shall be the division and boundary line between the said counties of **WARREN** and **SUSSEX**; and that the said commissioners shall have power to employ such person or persons as may be necessary to assist them in running out the said line, and that the said commissioners shall be allowed and paid, by the said county of Warren, five dollars per day for their services, and the other persons employed, such compensation as the commissioners deem reasonable.

Commission-  
ers, their du-  
ties, &c.

Compen-  
sation.

C. Passed November 20, 1824.

AN ACT for the support of the Government of this State.

1. BE IT ENACTED by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, to wit—

To the Governor of this state, for the time being, at the rate of two thousand dollars by the year.

To the Chief Justice of the Supreme Court, of this state, for the time being, at the rate of twelve hundred dollars by the year.

To the other Justices of the Supreme Court for the time being, at the rate of eleven hundred dollars by the year.

To the Treasures of this state, for the time being at the rate of one thousand dollars by the year.

To the Law Reporter of this state, for the time being, at the rate of two hundred dollars by the year.

To the Attorney General of this state, for the time being, at the rate of eighty dollars by the year.

To the Adjutant General of this state, for the time being, at the rate of one hundred dollars by the year.

To the Quartermaster General of this state, for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators or assigns, on warrants produced to the treasurer, signed by the governor or vice president of council; and in case any of said officers shall be removed from office by death or otherwise, the salary of such officer shall cease and determine on such removal and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

2. And be it enacted, That there shall be paid to the vice president of council, and the speaker of the house of assembly, the sum of three dollars and fifty cents, and to every member of the council and assembly the sum of three dollars for each and every day that they have respectively attended this, or may attend this or any future meeting of the legislature; and to every member the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual road between his place of residence and the seat

of government in going and returning, on a certificate to be produced to the treasurer expressing the sum due, and the number of days and miles, signed by the president or vice president of council, for the members of council, or by the speaker of the house of assembly for the members of assembly, or by William Brittin, James F. Randolph, John T. Woodhull, and John Scott, or any two of them, for the members of assembly.

3. *And be it enacted*, That there shall be paid to the secretary of council and to the clerk of assembly the sum of three dollars fifty cents, for every day they have respectively attended this or may attend any future sitting of the legislature, and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of council and assembly and the joint meeting, fairly in the journals, and five cents by the sheet for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice president of council for the secretary of council, and by the president of council or the speaker of the house of assembly for the clerk of assembly.

4. *And be it enacted*, That the treasurer pay to such persons, as may print the law reports, and such person or persons, as shall be appointed by the house of assembly for printing the laws of this state, and the votes and proceedings of the assembly, and to such persons as shall be appointed by council for printing the journals of council, and the minutes of the joint meeting, twenty three dollars for every sheet thereof; and that thirteen hundred copies of the same be printed, and for printing the laws and law reports twenty six dollars for every sheet thereof, and that sixteen hundred copies of the same be printed—and that the printer of the laws be required to print the public and private acts together, in one pamphlet, in the order of their passage, with tables of contents at the end, containing the title of each public act in one table and of the private acts in another table.

5. *And be it enacted*, That there shall be paid to the sergeant at arms for the time being, who shall attend the council and the house of assembly, and to the door keepers of council and house of assembly, for the time being, the sum of two dollars by the day, for each day, on a certificate to be produced to the treasurer expressing the sum and the number of days they shall have respectively attended, signed by the president of council, or speaker of the house of assembly,

6. *And be it enacted*, That there shall be paid to the

secretary of council, and to the clerk of assembly, who shall severally engross the bills of council and assembly, this session of the legislature, at the rate of eight cents by the sheet, or a certificate of the amount signed by the president or vice president of council, or by the speaker of assembly.

*7. And be it enacted,* That this act be, and continue in force for one year from the twenty sixth day of October one thousand eight hundred and twenty four, and no longer.

C. Passed December 28, 1824.

AN ACT to incorporate the "Union," "Hand in hand," and "Resolution," Fire Companies of Trenton.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Isaac Barnes, Samuel M'Clurg, Daniel Bellerjeau, John R. Tucker, James Hillman, and John D. Green, and all such other persons not exceeding one hundred in number as now are, or hereafter shall become associates of the Union fire engine Company of the city of Trenton, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of "The Union fire company of Trenton."

*2. And be it enacted,* That Alexander Chambers, George Sherman, Samuel T. Machett, Joseph Higbee, Jacob Herbert, and Garret D. Wall, and all such other persons not exceeding one hundred in number, as now are, or hereafter shall become associates of the Hand in hand fire engine company of the city of Trenton, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of the "Hand in hand fire company of Trenton."

*3. And be it enacted,* That Zachariah Rossell, David Johnston, Joseph M'Cully, Charles Ewing, Robert M'Neely, Daniel Baker, and John R. Smith, and all such other persons, not exceeding one hundred in number, as now are or hereafter shall become associates of the Resolution fire engine company, of the city of Trenton, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate in fact and in law, by the name of "The Resolution fire company of Trenton."

4. *And be it enacted,* That the said corporations in the foregoing sections mentioned, by such names respectively, shall have perpetual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of judicature whatsoever, and that they and their successors respectively may have and use common seals, and have power to make, change and alter the same at their pleasure, and by their aforesaid names respectively and under their respective common seals, may make, enter into, and execute, any contracts or agreements, touching and concerning the objects of said corporations respectively, and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the laws of this state, or the United States, as they shall think proper.

5. *And be it enacted,* That the capital stock of said companies respectively, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied, to the procuring, repairing and maintaining such engines, hose, reservoirs of water, ladders, buckets, fire hooks, and other implements and machines, and to such other incidental expenses, as shall to the said companies respectively appear best calculated to secure the property of the citizens of Trenton, from injury or destruction by fire.

6. *And be it enacted,* That each of the said companies respectively shall have power to elect annually a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their respective constitutions, and that the said presidents respectively, shall keep in their custody the common seals of the said companies, and at the expiration of their term of office shall deliver them over to their successors.

7. *And be it enacted,* That it shall be lawful for the Council and General Assembly of this state at any time hereafter to amend, modify or repeal this act as they shall think fit.

A. Passed December 29, 1824.

**AN ACT** to confirm a deed of release made by John Hartshorne of the township of New Hanover, in the county of Burlington, to his father Samuel Wright Hartshorne, of the same place, for certain lands therein named.

WHEREAS, Samuel Wright Hartshorne and John Hartshorne have by their petition set forth, that Samuel Wright late of the township of New Hanover by his last Will and testament, bearing date the twenty eighth of November, one thousand seven hundred and sixty two, executed in due form of law, to pass real and personal estate, did devise as follows: "Item, I give and bequeath to my grandson Samuel Wright Hartshorne, all the plantation which was given to me by my father Joshua Wright, during the term of his natural life, and after his decease, to remain to his issue, lawfully begotten, entailed forever:"—*And whereas*, upon the decease of the said Samuel Wright, in the year one thousand seven hundred and sixty three, the said Samuel Wright Hartshorne entered into the possession of the said plantation, under the said devise, and hath held and enjoyed the same ever since, and still holds the same, and hath issue, divers children, of whom John Hartshorne is his eldest son and heir apparent in tail; *And whereas* the said John Hartshorne, as well to enable the said Samuel Wright Hartshorne to make a disposition of said plantation more conformable to justice and the equitable and liberal principles of the laws of this state, directing the descent of real estate, as for and in consideration of the sum of ten dollars by his deed of release, bearing date the twenty second November one thousand eight hundred and twenty four, executed in due form of law, did remise, release and forever quit claim unto the said Samuel Wright Hartshorne, his heirs and assigns forever, all his right, title, interest, claim and demand whatsoever, of, in, and to the said plantation with the appurtenances; *And whereas* the said Samuel Wright Hartshorne and John Hartshorne, have by their petition prayed an act to confirm said deed of release, and to vest the title to the said plantation in the said Samuel W. Hartshorne, in fee simple, which appearing to be just and reasonable, THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the aforesaid deed of release made and executed on the twenty second day of November

in the year of our Lord one thousand eight hundred and twenty four, by John Hartshorne to Samuel Wright Hartshorne, be, and the same is hereby in all things confirmed, and shall be as valid and effectual in the law, to all intents and purposes, as if the same had been made after the said estate in remainder had vested in the said John Hartshorne; and that the said Samuel Wright Hartshorne shall be seized and possessed of an absolute estate of inheritance in fee simple of, and in the said plantation so devised to him in fee tail in and by the last Will and testameht of the said Samuel Wright, deceased: *Provided*, that nothing herein contained shall in any way affect any right, interest, claim, estate or demand whatsoever, which any other person or persons, corporation or body politic whatsoever, shall or may have to the said lands, or alter, change, or lessen any lien, incumbrance, made, created or given by the said Samuel Wright Hartshorne and John Hartshorne, or either of them, or in any way affect the rights of their or either of their creditors, under, or by virtue of any judgment, mortgage, or other lien on the said plantation.

C. Passed November 30, 1824.

#### **AN ACT to defray incidental charges.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this state to pay to the several persons hereinafter mentioned, namely,**

1. To his Excellency Isaac H. Williamson, for postage for letters and for printing general orders and distributing the same on General Lafayette's coming into this state, forty one dollars and five cents.
2. To David Taylor, for work done in the armory department, as per his account, fifty nine dollars and twenty five cents.
3. To John R. Taylor, for work done in the armory department, as per his account, fifty one dollars and twenty five cents.
4. To Samuel Paxton, for articles furnished the armory department, as per his account, five dollars and sixty two cents.
5. To James Johnson, for making case for state library, twenty dollars.

6. To Daniel Phillips, for boards, scantling and sealing lath, used in repairs of state House, thirteen dollars and eighty seven cents.

7. To Jasper Scott, for lime, lathing and plastering two rooms in second story of state house, and raising three chimneys, thirty nine dollars and forty four cents.

8. To John Cook, for iron work for state house, as per account, thirty seven dollars thirty one cents.

To Charles Parker, for expenses going to, returning from, and while at Philadelphia, twice on business for the state, postage, &c. forty three dollars and seventy eight cents.

To Charles Parker, for repairs of state house, and furniture for council chamber, four hundred twenty two dollars and ninety six cents, by a resolution of council.

To Jane Wilson, John Wilson, and William L. Prall, administrators of James J. Wilson, deceased, for balance of account of printing, of last year, and petitioned for by the administrators, and ordered to be allowed by the house of assembly, twenty five dollars and fifty cents.

To Martin M. C. How, finding and setting glass in state house, seven dollars and fifty seven cents.

To Aaron Ward, for plank for tent poles, fifteen dollars and sixty four cents.

To Benjamin L. Jarvis, for transporting arms from Newark to Trenton, had for the use of celebration of General La Fayette, ten dollars.

To David L. Crane, for making tent poles and pins, twelve dollars and fifty cents.

To Isaac Crawford, for carting tents to Newark and returning the same to Trenton, for the use of celebration of General La Fayette, fifty dollars.

To William L. Prall, for wood for the use of the state house, one hundred twenty nine dollars thirty seven cents.

To Isaac Combs for services rendered on the part of this state on the trial of Anthony F. Taylor, Esq. and Redford Jobs, Esq., eighteen dollars and twenty four cents.

To William Gould, for receiving, cording and sawing wood for the use of the state house, twenty three dollars and forty three cents.

To Morgan Brakes, for bricks for chimneys for state house, thirty two dollars thirty seven cents.

To Samuel English, for attendance as witness on the part of the state against Anthony F. Taylor, Esq., one dollar ninety six cents.

To Asa Belden, for fixing pipes to the state house, one dollar and fifty cents.

To Joseph Abbot, for wood, twelve dollars.

To the Quartermaster General, for quarters, &c. furnished militia on the visit of General La Fayette, ninety two dollars and forty one cents.

To the Adjutant General, for postage, three dollars and eighty five cents.

To Charles Parker, for postage from October eleventh, one thousand eight hundred and twenty four, to the twenty fourth of December, one thousand eight hundred and twenty four, five dollars and twenty cents.

To Garrett Ackerson, one hundred and fifty dollars, to purchase, mount and equip a piece of field artillery.

To Charles Carson, one hundred and fifty dollars, to purchase, mount and equip a piece of field artillery.

To Thomas Cain, for candles, as per his account, five dollars and twenty cents.

To Daniel Fenton, for stationary, as per his account, twenty nine dollars and eighty two cents.

To Joseph Justice, for stationary, twenty six dollars and sixty three cents.

To Justice and Potts, for the Emporium paper, nine weeks, and other printing, twenty three dollars and sixteen cents.

To Joseph Justice, for printing general orders by the Governor, respecting the reception of General Lafayette, and circulars, ten dollars.

To Joseph Justice, for printing bills for the use of the house, two hundred and seventy six dollars.

To John Bellerjeau, for labor done in council chamber, sixteen dollars.

To John Buckman, for repairing andirons, two dollars and twelve cents.

To Thomas Cain, for candles, for council chamber, three dollars.

To Daniel Fenton, for stationary, thirty eight dollars twenty two cents.

To Mr. Ford, for a cord of oak wood, four dollars.

To William Welling, for attendance at the state house, as a witness on the part of the state against Redford Jobs, one dollar.

To George Sherman, for newspapers furnished the house, printing rules of council, and second report of joint committee on canals, forty one dollars and sixteen cents.

To Daniel Fenton, for paper, one dollar eighty seven cents.

To the administrators of James J. Wilson, late quartermaster general, for bringing accoutrements from Bristol and Bloomsbury belonging to the state, five dollars and twenty five cents.

To Jane Wilson, for printing bills, and newspapers, and also rules of the house, thirty two dollars and sixteen cents.

To Joseph Justice, for balance of his last year's account, nine dollars eighty seven cents.

All which sums, shall be paid out of any moneys in the treasury, not otherwise appropriated.

To Daniel Coleman, Secretary of state, for certain duties performed in his office, as per account, for which no provision has been heretofore made by law, thirty five dollars and fifty four cents.

To William Gould, for receiving, cording, sawing, and putting away in the cellar, three and a half cords of hickory wood, during the present week, three dollars and fifty cents.

To Joseph M'Chesney, Esq. and his son Thomas, for attendance and expenses, as witnesses on the part of the state, against Anthony F. Taylor, justice of the peace, ten dollars.

A. and C. Passed December 30, 1824.

**A SUPPLEMENT** to the act entitled "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers."

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That at any time after one million of dollars shall be subscribed towards the capital stock of said company, and ten per cent thereon paid in to the commissioners, and the directors appointed, as mentioned in said act, it shall be lawful for the said company to call in, from the stock-holders respectively, the sum of one hundred thousand dollars, to be used for banking purposes as directed in said act; but they shall not call in any more money for said purposes except in conformity to the provisions of said act, and if the said company shall omit for the space of one year after the passing of this supplement, to expend the sum of one hundred thousand dollars on said canal, and file an account thereof agreeably to the sixteenth section of said act, the banking privileges hereby given shall cease.

C. Passed December 31, 1824.

**AN ACT** to provide for the gradual increase of the State Library.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the sum of two hundred dollars in each and every year, during the term of ten years; be and the same is hereby appropriated for the gradual increase of the state library.

2. And be it enacted That the said sum of money shall be annually disbursed by the state librarian, for the purpose aforesaid, under the direction of Charles Ewing, John Wilson, and William Halsted, Jun. or a majority of them.

C. Passed December 31, 1824.

**AN ACT concerning the widow of Joseph Brittin, deceased.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the treasurer of this state, do pay out of any unappropriated moneys in the treasury, the sum of five hundred dollars, unto Sarah Brittin the widow of Joseph Brittin, late of Trenton, deceased, at any time after the passage of this act.

C. Passed December 31, 1824.

**AN ACT to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers.**

WHEREAS the construction of a Canal to unite the river Delaware near Easton, with the tide water of the Passaic, will be of great public benefit and advantage to the people of New Jersey; now therefore, in order to secure to the state the results of this public work, and also as an inducement to a company to engage in this important undertaking, and in consideration of the risks and expenditures which they may encounter in its execution and operations,  
**THEREFORE—**

Preamble.

Style of the incorporation, powers and privileges.

1. BE IT ENACTED by the Council and General Assembly of this State and it is hereby enacted by the authority of the same, That Jacob S. Thompson, of Sussex, Silas Cook, of Morris, John Dow, of Essex, Charles Board, of Bergen; and all and every other person or persons who may become subscribers according to the mode hereinafter prescribed, their successors and assigns shall be, and are hereby incorporated by the name of the "Morris Canal and Banking company," for the purposes, and with the privileges, and immunities, hereinafter described, defined, and granted, and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, implead and be impleaded in courts of justice or in any other place whatsoever; and that the said company shall have power and authority at any time after the passage of this act to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell all such lands, tenements, hereditaments, waters, streams, and water privileges, rights, goods, chattels and effects of every description whatsoever, as may be necessary

for carrying into effect any of the provisions of this act, and under the restrictions and limitations therein mentioned; and that the said company shall have perpetual succession, and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish and carry into execution such by-laws, ordinances and regulations, as shall, by its president and directors be judged necessary or convenient for the said corporation, in respect to its canal and banking operations hereinafter mentioned; and the same to change, alter, repeal, annul and re-enact, provided the same be not contrary to the constitution or laws of the United States, or of the state of New Jersey.

2. *And be it enacted,* That George P. McCulloch, and John Scott, of the county of Morris, Israel Crane, of the county of Essex, and Joseph G. Swift, Henry Eckford, and David B. Ogden, of the city of New York, be, and they are hereby appointed commissioners for receiving subscriptions for the sum of one million of dollars, to constitute the capital stock for the canal aforesaid, in shares of one hundred dollars each; and that the said commissioners, or a majority of them, shall and do open books for that purpose, at such time and in such place or places, within this state, as they shall designate by public advertisements, to be previously inserted for at least three weeks, in a public newspaper printed in Morristown, Newark and the city of New York, respectively, and shall continue the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open two days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; and the sum of ten per cent. upon each share so subscribed, shall be paid in specie, or in the bills of banks which redeem their bills with specie, by each subscriber, at the time of subscription to the said commissioners, or a majority of them, and the amount so received at the time of subscription, shall, by the said commissioners, or a majority of them, be deposited in such bank or banks, as the said commissioners, or a majority of them may elect in their joint names, there to remain until the same shall be by them paid over to the directors of the said company, to be appointed as hereinafter directed; and that the said directors, when so appointed, shall have power, and they are hereby authorized to call upon the said subscribers for the payment of farther instalments, in such sum or sums, at such time or times, and under such forfeiture or forfeitures as they may deem expedient, until the whole amount of the said shares so subscribed shall have been fully paid.

Commissioners, time and  
mode of receiving sub-  
scriptions.

Time and  
mode of  
choosing di-  
rectors and  
president.

3. *And be it enacted*, That the management of the concerns of the said company shall be, and the same is hereby vested in fifteen directors, to be selected from the stockholders ; and that the said directors shall choose, by plurality of votes, a president from among themselves ; and as soon as conveniently may be, after the said stock of one million of dollars shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice, to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices until the first Monday of April, eighteen hundred and twenty six ; and if for any cause whatsoever, an election of directors should not be made on the day whereon, in pursuance of this act, it ought to be made, the said corporation shall not for that cause be deemed dissolved, but it may be lawful at any other time to hold such election, public notice of the time and place being previously given as aforesaid, and until such election be made, the president and directors, for the time being, shall continue in office, provided such election be held before the first day of January next ensuing the stated day of election ; and in case of the death, resignation, incapacity, or removal of the president, or of one or more of the directors, the vacancy thereby occasioned may be supplied by appointment, to be made by the board of directors ; and at all elections of directors, each stockholder shall be entitled to one vote for every share of stock by him or her held.

Property  
how far ex-  
empted from  
taxation.

4. *And be it enacted*, That no state, county, township, or other public assessments, taxes or charges whatsoever, shall at any time be laid or imposed upon the said canal company, or upon the stocks and estates which may become vested in them under this act ; but this exemption shall not extend to any other estate or property of the company, than such as is possessed occupied and used by the said company for the actual and necessary purposes of said canal navigation under this act, according to the true intent and meaning thereof ; and no tax shall be imposed upon any property of said company or of other persons transported or used upon or about said canal of greater amount according to the value of the article taxed than shall at the same time be imposed upon the property of the same or similar kinds in the state of New Jersey.

5. *And be it enacted*, That it shall be lawful for the said company to construct, make and execute a canal or artificial navigation, to connect the waters of the Delaware river near Easton, with the tide waters of the Passaic river, and passing

through the county of Morris, with all the locks, works, devices, wharves, toll houses and offices, necessary for the use of said canal; and it shall and may be lawful for the said company by its president and directors, and by any agent, engineer, superintendent or contractor or any other person or persons employed in the service of said company, to enter from time to time and at all times upon all lands, whether covered with water or not for the purposes of exploring or surveying the route or routes for said canal, and locating the several works as above specified; doing thereunto no unnecessary damage, and when the said route or routes shall have been fixed upon, and its several works located by the president and directors or a majority of them, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for them and for any agent, superintendent, engineer, contractor or any person or persons employed in the service of said corporation, at any time to enter upon, take possession of, and use all and singular such lands, water and streams, subject to such compensation to be made therefor as is hereafter directed.

6. *And be it enacted*, That where lands, waters and streams that may be useful for said canal, shall not be made a free gift by their owner or owners, to the said company, then the company shall pay to the owner or owners, such compensation, as shall be mutually agreed upon; and in ease of disagreement in relation to the value of such lands, waters and streams, or in case the owner or owners thereof be feme covert under age, non compos mentis, or reside out of the state, then it shall be lawful to, and for the aforesaid president and directors, from time to time, and at all times, to cause a survey or surveys, and map or maps, to be made of any of the lands, waters, and streams, in their estimation requisite and not given as aforesaid, and which they are authorized by this act, to take for the uses aforesaid; in the field book of which map and survey or maps and surveys shall be distinguished the land or waters of each of the several owners and occupants, appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and shall exhibit the same, to one of the justices of the supreme court, in this state, not being a stockholder, (having given at least ten days previous notice, in writing to the parties concerned, if resident in the state, and by publication in at least two gazettes published in the counties to be traversed by the canal, of the time and place of such exhibition,) such book and map being accompanied by the oath or affirmation of one of the engineers, employed by said company, that the premises therein described are required to be occupied by the company, for the purpose of carrying into effect the object set

**Power to enter on lands contiguous, and take materials.**  
**Owners, how compensated.**

for it by this act, and are not more than is requisite for the said uses ; and thereupon it shall be the duty of said justice to certify such map and book under his hand and seal, and to cause the same to be filed in the office of the clerk of the county, where such land, water, or stream, may be situated, there to remain a public record ; and it shall also be the duty of the said justice, at the time and place aforesaid, by a writing under his hand and seal, to appoint three discreet and disinterested freeholders, chosen from some county or counties not intersected by the canal, as appraisers, who shall, before they enter upon the duties of their appointments, severally take and subscribe an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act, and shall receive such compensation to be paid by the said company, as the justice by whom they are appointed shall determine ; and it shall be the duty of said appraisers, or a majority of them, if requested so to do, by the owner or owners, or by the company to make a just and equitable estimate and appraisal of the value of the lands and damages to the several owners, proprietors or parties interested in the premises so required, for the purposes aforesaid, the said appraisers having given ten days previous notice of the time and place of meeting, to make such appraisement to the owner or owners resident in this state : and the appraisers or a majority of them, shall make regular entries of their determination and appraisal in a book or books to be by them kept for that purpose, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgment of deeds, and shall cause such book or books to be filed in the office of the clerk of the county, in which the lands may be situated, there to remain a public record ; and the company shall pay or tender the damages so assessed to the person or persons entitled thereto ; or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the state of New Jersey, the said company shall pay the same into the court of chancery of this state, to be disposed of under the order of the chancellor, according to the laws of this state ; and immediately thereupon the estate, right, property and interest in and to the premises so appropriated, described and appraised, shall be vested in the company, to be by them held so long as they shall be sued for the purposes of said canal.

**7. And be it enacted,** That it shall be lawful for the president and directors of said company, and their superintendents, engineers, workmen and laborers, with carts, wag-

ons, and other carriages, and with their beasts of draught and burden, and all necessary materials, tools and implements to enter upon all lands, contiguous or near to the route or tract of the canal, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand or earth there, being most conveniently situated, and being most suitable for making or repairing said canal, the locks and other devices before mentioned thereto belonging; the said owners or occupants being entitled to a fair compensation or remuneration for the materials taken or damages done, if claimed within twelve months from the time of such damage sustained, or materials taken away; and in case of disagreement as to the amount of such damage, then it shall be lawful for the clerk of the common pleas of the county, upon the application of the company, to appoint three judicious disinterested freeholders as appraisers, who having given at least fifteen days notice to the owners, occupants, or persons having charge of such lands, and having been previously sworn, fairly and impartially, to enquire into, and report the amount of the said damages, shall deliver to each party, or deposit in the clerk's office of the county for their use, a copy of their appraisal under their hands and seals; which appraisal shall be conclusive evidence, of the amount of damages in any suit to be brought therefor (deducting therefrom, on such suit, all costs and charges of the appraisal) if the amount so appraised shall not exceed one dollar, nor be less than what the company offered to pay, before the appointment of appraisers.

Power to  
enter on lands  
contiguous  
and take ma-  
terials.

Owners how  
compensated.

8. *And be it enacted,* That the president and directors, or a majority of them, shall have power to elect all engineers, treasurers, collectors, cashiers, tollmen, clerks, agents, artificers, workmen, laborers, servants, and officers whatsoever, necessary in their judgment, for conducting the affairs of the company, and to dismiss and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught cattle, wares, passengers, produce and merchandize whatsoever, upon the <sup>Regulation of</sup> tolls, <sup>Power to chose of</sup> ~~canal, or~~ <sup>upon</sup> its banks, and to make, enact, and at pleasure, to change and re-enact such tolls, and rates, and also regulations and rules, for the collection and levying of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile on the passage of coal, lime, gypsum, iron, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight, and value, and a card thereof, to be put up in a conspicuous place, at every lock, or other

*Capital may  
be increased.*

*Proviso.*

*Statement of  
affairs to be  
exhibited an-  
nually.*

*Dividends,  
when de-  
clared.*

*Transfer of  
stock, how  
made.*

*No other ca-  
nal within ten  
miles, &c.*

point on said canal, where toll shall be required to be paid ; and if at any time hereafter, the said president and directors, shall deem it expedient to increase their capital stock for the canal aforesaid it shall be lawful for them so to do, and to obtain subscriptions for the same, and to manage and direct the same agreeably to the provisions, true intent and meaning of this act ; and all stockholders of such additional shares, and their assigns, shall be thenceforward incorporated into the same company :—*Provided always*, that a preference of subscription shall always be given to actual stockholders, in proportion to the shares they shall respectively hold, and that such additional stock shall not exceed five hundred thousand dollars.

9. *And be it enacted*, That at the general meeting of the stockholders to be held annually, agreeably to the second section of this act, a general statement of the affairs of the company shall be made out, and exhibited, by the president and directors, and the president and directors, or a majority of them, shall at that meeting, or as often as to them may appear expedient, declare such dividends of the nett profits of the company as they may think proper.

10. *And be it enacted*, That the capital stock of said company, shall be deemed personal property, and that all shares of the capital stock, at any time, owned by any stockholder, shall be transferable on the books of the company, in such manner, as the by-laws shall ordain ; but all debts due or payable to the company, and also all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by the consent of the president and directors.

11. *And be it enacted*, That under the powers and conditions stipulated in the foregoing enactments, it shall be lawful for the company to alter at any time, any part or parts of the route of the canal, making compensation for damages to owners, as herein before directed, and that it shall not be lawful for any person or persons, or any body politic, or corporate ; whatsoever, to construct any canal within ten miles of any point of the main trunk of the Morris Canal, without the consent of the said company, expressed in writing, under their common seal ; but this prohibition shall not extend to the construction of any canal, of less than ten miles in length, and which does not approach within two miles of the canal to be constructed under this charter, and saving to any person or persons, or body corporate, any of their just and le-

gal rights, already vested, to the contrary of such prohibition; and it shall be the duty of the chancellor of this state, upon application made therefor, by the solicitor of the company, in due form, to issue his injunction, to stay and prevent the construction of any such canal, and also it shall be lawful for the said company, to raise the waters in the Green Pond, and lake Hopatcong, commonly called the Great Pond, by damming the same, and to use the surplus waters, thus saved, and so much water of said ponds as shall be necessary for said canal, and to take and convey said waters, into said canal; all loss and damages, to the owners of said ponds, and the lands flowed, or otherwise, used in obtaining water for the same, as aforesaid, being paid for agreeably to the previous provisions of this act

12. *And be it enacted,* That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the usage of the said road, or farms, by reason of the said canal crossing the same.

13. *And be it enacted,* That if any person or persons shall in any manner, wilfully and maliciously, destroy, injure, or obstruct said canal, or any of its parts, or works therewith connected, or unnecessarily and maliciously open any gates thereon, or otherwise let off and waste water, to the detriment of said company, he, she or they, shall be considered guilty of a misdemeanor and being thereof convicted shall be punished by fine or imprisonment, or both at the discretion of the court in which such conviction shall take place; *Provided*, such fine shall not exceed the sum of twenty five dollars, nor the imprisonment, the term of two years; and such criminal prosecution, shall in no wise impair the right of action, for damages, by a civil suit to be brought by the company.

14. *And be it enacted,* That for the encouragement of so great an undertaking, as the erection of said canal, and in some measure to induce capitalists and others to subscribe for the same, it shall be lawful for the said company, to increase the capital stock of said company, for the purpose of banking operations; but under the following conditions, limitations, and restrictions, namely, that as soon as the said company shall have actually paid, laid out and expended the sum of two hundred thousand dollars, in the purchase of lands, waters, and water privileges, necessary for the construction and uses of said canal, and in constructing, making

Injunction.

Green Pond,  
etc.Bridges, when  
said to be made,  
&c.Injuries, how  
punished.

Proviso.

Banking pri-  
ileges, under  
certain re-  
strictions.

**Proviso.**

and building the same, it shall and may be lawful for the president and directors aforesaid, to call from the stockholders respectively of said canal company, for the time being, in proportion to their respective shares, the sum of two hundred thousand dollars, or any less sum, in the discretion of said president and directors, towards a capital for banking purposes as aforesaid, and so often thereafter as the said company shall have paid, laid out and expended other like sum, of two hundred thousand dollars, in the purchase of lands as aforesaid, and in constructing, making and building the said canal as aforesaid, it shall be lawful for the president and directors aforesaid, to increase the capital stock of said company for banking purposes, to such further amount, of two hundred thousand dollars: *Provided* that the said increased capital of the company for banking purposes shall not exceed in the whole, one million of dollars; and the president and directors, shall and may upon any increase of the capital of said company, for banking purposes as aforesaid, call for the same, from the stockholders respectively, at such time and in such instalments in proportion to their respective shares, and upon such notice, and under such forfeitures, as they shall prescribe: *Provided always*, that no such increase of stock for banking purposes as aforesaid shall at any time be made, by reason of alleged expenditure of any of the respective sums, of two hundred thousand dollars, as aforesaid, until the president and directors aforesaid, shall have first caused to be exhibited to the governor or person administering the government of this state, a just and full statement, and account, shewing that such expenditure of two hundred thousand dollars, hath actually been made in and about the purchases, necessary for the construction of, and in the various works as aforesaid, of said canal, and the president and cashier, or person keeping the accounts of said company, shall severally certify the said account of expenditures, to be just and true, and subscribe their names thereto; and moreover make, subscribe and annex to the same their respective oath or affirmation, taken before one of the justices of the supreme court of this state, that the said account is just and true to the best of their knowledge and belief; and shall otherwise, if required, by the said governor, or person administering the government, prove to his satisfaction that the same is true, and further obtain from said governor, or person administering the government, a certificate under his hand, and the seal of the state, certifying that it hath appeared to him that the said sum of two hundred thousand dollars, has been actually expended upon, and towards the said canal, according to the provisions of this act, and that the said company is entitled to increase its capital stock, for banking purposes to that amount; which

certificate the said governor or person administering the government, upon his being satisfied of the truth, and fairness of said account, is hereby authorized and required to grant ; and the said president and directors, before any increase of their said capital for banking purposes to such additional amount of two hundred thousand dollars as aforesaid, shall cause the account and statement exhibited and sworn to as aforesaid, to be filed in the office of the secretary of state ; and the certificate of the governor, or person administering the government as aforesaid, to be recorded in the same office ; a certified copy of which certificate and account, by the secretary of state, under the great seal of the state shall be received in all courts in this state as evidence that such expenditures of two hundred thousand dollars was made on, or towards the said canal, at the exhibition of the account as aforesaid.

15. *And be it enacted*, That if the person acting as president and the person acting as cashier or accountant of the said company, and who shall have made or exhibited any such account as aforesaid, or either of them, shall wilfully and knowingly make a false oath to the same, such person shall be deemed guilty of perjury and, on conviction of the same shall be subject to the pains and penalties of wilful and corrupt perjury.

16. *And be it enacted*, That within one year after the first increase of the capital stock of the said company, for banking purposes as aforesaid, shall have been made, and so annually thereafter, until the said canal shall be completed, the said company shall cause to be made out a just and true account of their expenditures upon said canal, within each of the said years respectively, which account shall be certified and sworn to by the acting president and cashier or accountant in manner as directed in the fourteenth section of this act; and the said account shall be filed within such year in the secretary's office of this state ; and whensoever it shall appear by such annual account in any year, that the said company have not actually expended on said canal, at least the sum of one hundred thousand dollars within such year, or if the said company shall neglect to file said account in manner aforesaid, in any year, then, and in either case, the said company shall wholly cease from and discontinue all banking discounts and operations upon their said increased capital for banking purposes, and shall not resume the same until the said account shall have been proved and filed as aforesaid, and showing such annual expenditure.

**President or cashier making false oath to such account, perjury.** 17. *And be it enacted,* That if the said acting president and cashier, or accountant, or either of them, shall wilfully make a false oath to any such account as is mentioned in the foregoing section, such person shall be deemed guilty of perjury, and on conviction of the same, be subject to the pains and penalties of wilful and corrupt perjury.

**Bank located at Jersey City.** 18. *And be it enacted,* That the banking house of the said company shall be situated, and their banking operations be conducted in the city of Jersey, in the county of Bergen, and it shall be the duty of the president and cashier of the said corporation for the time being, once in two years, to make a full return to the secretary of state, under oath, of the stock of said company used in banking operations, where the same is employed, how much specie is in the vault or

**Return of stock to be made trianually to Secretary of State.** vaults, of their banking house, or banking houses, what amount of notes of said company are in circulation, and the amount of debts due from and owing to said company: and in case the said president and cashier shall neglect or refuse so to do, for the space of ninety days, the legislature may at any time thereafter in their discretion, suspend said banking operations.

**Penalty on neglect, &c.** 19. *And be it enacted,* That the funds of the said company shall never be employed in any other operations, nor for any other purposes than those provided for in this act.

**Rights of action against the company.** 20. *And be it enacted,* That nothing in this act shall be taken to impair the right of any person to an action against the said company for damages to his or her water rights, lands, tenements or hereditaments by the erection of said canal where such person hath not been agreed with by the said company, or his or her damages, right and estate satisfied and vested in the said company, under the previous provisions of the act.

**Half of 1 per cent. on stock when to be paid.** 21. *And be it enacted,* That in eleven years after the passing of this act and annually thereafter, the president and directors of said company shall be, and they are hereby required to pay or cause to be paid into the treasury of this state, the one half of one per cent. on the whole amount of such capital actually subscribed and paid in, and which shall thereafter be paid in to such company for banking purposes as aforesaid; and upon neglect or refusal so to do by said president and directors, the said tax shall and may be recovered in such manner as is directed in an act entitled "An act to tax bank stock," passed November second, one thousand eight hundred and ten, or any other act or acts of the Legislature for the time being, for the recovery of tax, on bank-

**Penalty on neglect, &c,**

stock ; and the said tax when collected shall be appropriated as other bank tax is or shall by law be directed to be appropriated.

22. *And be it enacted*, That so much of this act as relates to banking rights and privileges upon the increased capital of the company for banking purposes as aforesaid, shall continue and be in force for and during the term of thirty one years from the passage of this act.

23. *And be it enacted*, That unless one million of dollars shall be subscribed as aforesaid, on or before the first day of November next, and also unless the said canal shall be completed and opened for the passage of boats within fifteen years from the passage of this act, then the same shall be, and is hereby declared to be null and void.

24. *And be it enacted*, That the said company shall and may be, and are hereby made capable of using any part of their capital which shall be paid in for banking purposes as aforesaid, for the following additional purposes, that is to say, in buying and selling bills of exchange, or the stock of any body or bodies corporate and politic, and in loans upon bonds and mortgages ; and they may bind themselves by contract not under seal, and receive and take by deed or devise any effects and property, both real and personal, which may be left or conveyed to said company, in trust, and to assume, perform and execute any trust which has been or may be created by any deed bequest or devise as aforesaid ; and the said company is hereby authorized and empowered to receive, take, possess, and stand seized of, and to execute any and all such trust or trusts in their corporate capacity and name, in the same manner and to the same extent as any private trustee, or trustees, might or could lawfully do, and no further ; but it is hereby expressly declared, that the privileges hereby granted to the said company, for receiving, and executing trusts, are solely for the purpose of the protection of property so conveyed to them, and not for the purpose of aiding, or promoting any traffic in any kind of stocks, or in any kind of goods, wares and merchandizes ; and in case any kind of goods, wares or merchandizes, shall be so conveyed, or bequeathed in trust as aforesaid, the said company shall dispose of the same, as soon as it conveniently can be done, and the avails thereof shall be invested in stocks, or in bonds and mortgages, or other permanent securities for the sole use of the person or persons beneficially interested therein ; and the said privileges shall not be so construed, as legally to empower the said company to take any other kind of trusts.

Banking priv-  
ileges to con-  
tinue 31 years.

On what occ-  
asion charter  
may be for-  
mally be for-  
mulated.

Further bank-  
ing privileges.

**Proviso.** than such as are usual with other trustees: *Provided always,* that this act shall not extend to create any entailment, trust, or perpetuity, contrary to any existing provision of law.

**Canal to be deemed a highway.** *25. And be it enacted,* That the said canal when completed, shall for ever thereafter be esteemed a public highway, free for the transportation of any goods, commodities or produce whatsoever, on payment of the tolls, and conforming to the regulations made or authorized by this act: and it shall be lawful for the legislature of this state, at any time hereafter, to appoint three commissioners for the purpose of fixing and regulating the tolls to be taken on said canal; which shall be done by the said commissioners in conjunction with two commissioners to be appointed by the company, unless the said company should refuse or neglect upon due notice to appoint any commissioners on their part, in which case the said commissioners on the part of the state or a majority of them, shall fix and regulate the tolls with due regard to the interests of the company and of the citizens of this state:

*Provided always,* that they shall not have power to reduce said tolls lower than one half the greatest amount allowed by the ninth section of this act, without the consent of the president and directors of the said company.

**When canal may be taken by the state.** *26. And be it enacted,* That at the end of ninety nine years from the passing of this act, it shall and may be lawful for this state, to take to itself, and on its own account the said canal and its appurtenances, paying to the said company the fair value thereof, to be estimated and fixed upon by ten commissioners or a majority of them, to be mutually chosen by this state and the said company; or in case that shall not be done at that time, or within one year thereafter, this charter shall continue so far as respects its canal operations and privileges for the further term of fifty years, when it shall cease, and the said canal with its appurtenances become the sole property of this state.

**Corporation to take lands, on what conditions, &c.** *27. And be it enacted,* That the first, fifth, sixth and eleventh sections and every other part of this act shall be so construed as that the said corporation shall not be authorized to take or appropriate to the use of said canal or under color or pretence that the same are necessary therefor, any lands, waters or streams of water, but such only as are actually necessary for the erection and use of said canal for the purposes of navigation only and its necessary towing paths and works as specified in the fifth section of this act; and that the said corporation shall not be authorized to demise, grant, alien or sell any such lands, waters or streams, taken or pre-

tended to be taken or acquired for the use of said canal as aforesaid, or any part thereof, to any person or persons whomsoever (excepting only such lands as may be received by them by donation or acquired by them by private contract,) and that the said corporation or any other person shall not be authorized to use or appropriate any part of said waters for mills or any other purpose than the mere navigation of said canal ; and all waters not used for that purpose shall be permitted without unnecessary interruption to flow into their ancient and natural courses and channels ; and that the twentieth section of this act shall be so construed, as to extend to damages sustained not only by the erection of the said canal in the first instance, but also by the subsequent operations of the said company from time to time, as the same may arise, any thing in this act before contained to the contrary notwithstanding.

*28. And be it enacted,* That this shall be a public act, <sup>Publis act</sup> and shall be judicially referred to by all judges, justices and others without being specially pleaded.

C. Passed December 31, 1824.

A FURTHER SUPPLEMENT to an act entitled "An Act making provision for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety eight.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That at the first joint-meeting after the accounts of the state prison are settled, five suitable persons shall be chosen as inspectors of the state prison, who shall continue in office until the next session of the legislature, and until others are chosen in their stead; and at the first joint-meeting which shall happen after every annual settlement of the accounts of the state prison, the inspectors shall be re-elected or others chosen in their stead; and if any vacancy shall happen by the death, removal, resignation, or refusal to act, or other inability, of any of the inspectors in the recess of the legislature, it shall and may be how filled, lawful for the person administering the government to appoint a person or persons to fill the vacancy.

*2. And be it enacted,* That the said inspectors, or a majority of them, are hereby authorized to repair, enlarge or alter, at their discretion, the work shops situate within the walls of the said state prison, or to erect new work shops, if they or a majority of them shall deem it useful or expedient.

Inspectors  
may erect, &c.  
workshops

and designate  
the employ-  
ment of each  
prisoner, and

(to see that the  
regulations are  
inforced, &c.)

*3. And be it enacted,* That the particular employment of each prisoner shall be such as the inspectors may consider best adapted to his or her state and condition, having due regard to that employment which is the most profitable, and the convicts shall be supplied as far as practicable and consistent with the interest of the state, with articles manufactured by the prisoners, and the keeper shall cause separate accounts to be kept of the work done by each prisoner, and of the materials delivered to him to be manufactured.

*4. And be it enacted,* That it shall be the duty of the inspectors to attend to and inspect the concerns of the prison, and to see that the laws and regulations respecting the prisoners, are duly observed and executed, and to keep minutes of their proceedings, accounts of articles manufactured, and the profits thereon, and generally such other things as may be useful for the information of the Legislature, which accounts, minutes, &c. shall be opened for the inspection of the committee of the legislature, annually appointed to inspect into the state of the prison and settle the accounts thereof.

Keeper and  
assistants to  
take oath or  
affirmation.

*5. And be it enacted,* That the keeper, his deputies and assistants, before they enter on the duties of their respective offices, shall take and subscribe, before a justice of the peace, the following oath or affirmation, viz: I do solemnly swear, or affirm, as the case may be, that I will well and faithfully serve the state of New Jersey, in the office of \_\_\_\_\_ and will faithfully and diligently execute all the duties required of me as such officer and carry into execution all the laws and regulations of the said prison, so far as concerns my said office, according to the best of my ability, so help me God. Which said oath or affirmation, shall be by the said justice delivered to the secretary of state to be by him filed in his office.

What visitors  
excluded.

*6. And be it enacted,* That no person whatsoever, except the committee of the legislature, physician, inspectors, the keeper, his deputy or assistants, and Ministers of the Gospel in the presence of the keeper, or his deputy, shall be permitted to visit or converse with any prisoner confined

in the cells, except only in case of sickness; nor shall the keeper, his deputy or assistants, or any other person, visit or converse with such prisoners, any further than shall be necessary in the faithful discharge of their duties.

7. *And be it enacted,* That no person shall be permitted to speak to, or converse with, any prisoner confined in the said prison, except as otherwise provided for by law.

8. *And be it enacted,* That no letter or communication in writing, shall be suffered to go in or out of the said prison, <sup>Keeper to examine all letters, &c.</sup> until the same shall have been examined, and approved of, by the keeper, nor shall any person without his consent, take anything in or out of the said prison, for the use of any prisoner.

9. *And be it enacted,* That if the keeper, his deputy, or either of his assistants, shall voluntarily, or negligently, suffer any prisoner, under sentence of solitary imprisonment, <sup>Penalty for neglect of duty in keeper, &c.</sup> to be at large out of the cell or apartment assigned to such prisoner, or shall voluntarily, or negligently, suffer any prisoner under sentence of imprisonment in the said prison, to be at large without the bounds of the said prison, or to be visited, or conversed with, contrary to the rules and regulations thereof, the keeper or other persons, so offending in the premises, shall be removed from his office by the board of inspectors.

10. *And be it enacted,* That if any prisoner sentenced to the said prison, shall escape therefrom, it shall be the duty of <sup>Duty of keeper on escape.</sup> the keeper, to make a written report thereof, to the board of inspectors at their next meeting thereafter, whose duty it shall be to enquire into the circumstances thereof, and to make report to the legislature at their next meeting; *Provided always,* that nothing in this act shall be construed to prohibit the removal of any convict, confined in the cells, in case of sickness, upon certificate of the attending physician.

11. *And be it enacted,* That it shall be the duty of the inspectors, to furnish as many bibles for the use of the prisoners, as they may deem necessary. <sup>Bibles to be furnished to prisoners.</sup>

12. *And be it enacted,* That the first section of the act entitled "A further supplement to an act, entitled an act, making provision for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety eight, which said further supplement was passed the eleventh day of November, one thousand eight hundred and twenty, be, and the same is repealed. <sup>What repealed.</sup>

C. and A. Passed December 21, 1894.

**A SUPPLEMENT to an act concerning wills, passed November the sixteenth, seventeen hundred and ninety five.**

On certain contingencies,  
Wills made void.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That every last will and testament made when the testator had no issue living, wherein any issue he might have, is not provided for or mentioned, if at the time of his death he leave a child, children, or issue, or leave his wife ensent of a child or children which shall be born, such will shall be void, and such testator be deemed to die intestate.

After born  
children or  
descendants  
how to suc-  
ceed.

**2. And be it enacted,** That if a testator having a child or children born at the time of making and publishing his last will and testament, shall at his death leave a child or children born after the making and publishing of his said last will and testament or any descendant or descendants of such after born child or children, the child or children so after born, or their descendant or descendants respectively, if neither provided for by settlement, nor disinherited by the said testator, shall succeed to the same portion of the father's estate, as such child or children, or descendants as aforesaid, would have been entitled to if the father had died intestate, towards raising which portion or portions the devisees and legatees, or their representatives shall contribute proportionably, out of the part devised and bequeathed to them by the same will and testament.

Devise or  
legacy to child  
or descendant  
dying before  
testator, when  
not to lapse.

**3. And be it enacted,** That whosoever any estate of any kind shall or may be devised or bequeathed by the testament and last will of any testator or testatrix, to any person being a child or other descendant of such testator or testatrix, and such devisee or legatee shall during the life of such testator or testatrix, die testate or intestate, leaving a child or children, or one or more descendants of a child or children who shall survive such testator or testatrix, in that case such devise or legacy to such person so situated as above mentioned and dying in the life time of the testator or testatrix shall not lapse, but the estate so devised or bequeathed, shall vest in such child or children, descendant or descendants, of such legatee or devisee in the same manner as if such legatee or devisee had survived the testator or testatrix, and had died intestate; but this provision shall not apply where the testator or testatrix shall by the said will, or codicil thereto, or other instrument have otherwise directed, in regard to the children or descendants of the said devisee or legatee dying as aforesaid.

4. *And be it enacted*, That nothing in this act contained shall affect any case where the testator or testatrix, named in any testament, shall have died before the passing of this act, but such case shall be determined as if this act had not been passed.

5. *And be it enacted*, That it shall be lawful for any surrogate, or orphan's court, or for the ordinary, when any will shall be produced to such surrogate, court or ordinary for probate, and any witness or witnesses attesting the same, shall reside out of this state, whose evidence may be deemed material, to issue a commission or commissions annexed to such will, and directed to the judge of any court of law, mayor, recorder, or other chief magistrate of any city, town, corporation, or county, where such witness may be found, authorizing the taking and certifying his, her or their attestation, and if the person to whom any such commission shall be directed, shall certify in the manner such acts are usually authenticated by him, that the witness or witnesses, personally appeared before him and made oath or solemn affirmation (as the case may require) that the testator or testatrix signed and published the writing annexed to such commission, as his or her last will and testament, and that at the doing thereof the said testator or testatrix was of sound and disposing mind and memory, and that the said writing annexed, was also signed and published by the testator or testatrix in presence of the other subscribing witness or witnesses thereto (if any) such oath or affirmation shall have the same operation as if the same had been made before the surrogate, court, or ordinary, who issued such commission.

C. Passed December 28, 1824.

**AN ACT to incorporate the Delaware and Raritan Canal Company.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John N. Simpson, James Neilson, and Floyd S. Bailey, and all and every person or persons, who may become subscribers, according to the mode hereinafter prescribed, their successors and assigns, shall be, and they are hereby incorporated, by the name of "the Delaware and Raritan canal company," for the purpose, and

Style of the incorporation,  
powers and  
privileges.

with the privileges and immunities, hereinafter described, defined and granted; and by that name, shall be a body corporate and politic, in fact and in law, and shall, and may sue and be sued, implead and be impleaded, in all courts of justice and elsewhere; and the said company shall have power and authority, at any time after the passage of this act, to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien and sell, all such lands, tenements, hereditaments, waters, streams, and water privileges, rights, goods, chattels and effects, of every description whatever, as may be necessary for carrying into effect any of the provisions of this act, and under the restrictions and limitations therein mentioned; and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish and carry into execution, such laws, ordinances and regulations, as shall by its managers be judged necessary or convenient for the government and management of the said company; and the same to change, alter, repeal, annul and re-enact, provided that the same be not contrary to the constitution and laws of the United States, or of the state of New Jersey.

*Capital stock,  
amount of,*

2. *And be it enacted,* That the capital stock of said company shall consist of eight hundred thousand dollars, to be divided into shares of one hundred dollars each, and that the said company shall have power to increase the same to such amount as may be found necessary for the completion of the canal and works contemplated by this act, provided the same does not exceed one million of dollars.

*Subscriptions,  
when and  
where to be  
opened.*

3. *And be it enacted,* That the subscriptions to the capital stock of the company shall be opened on the first Monday in April next ensuing, under the direction of John N. Simpson, James Neilson, Charles Parker, Garret D. Wall, and Floyd S. Bailey, at the cities of Trenton and New Brunswick, giving at least twenty days notice of the time and place in one or more of the newspapers printed in Trenton, and in one or more of the newspapers printed in New Brunswick, and that the same shall be continued open for three days in succession, in each place, commencing at Trenton, and that each person subscribing, shall pay to the said commissioners ten dollars per share on each share subscribed; which said sum so paid, the said commissioners shall pay over immediately to the managers herein appointed, or their successors duly elected as hereinafter prescribed; *Provided,* that if more than the whole amount of the stock shall be subscribed, then the commissioners shall reduce the said sub-

scriptions, ratably, in proportion to their amounts, and return the overplus paid in. But if the consent of the state of Pennsylvania to use the waters of the Delaware, as hereinafter mentioned, is not obtained by the first Monday in April, aforesaid, then the said commissioners may open said books, at the same places at some other time, giving notice and proceeding in manner aforesaid.

4. *And be it enacted,* That the management of the business and concerns of the said company, shall be vested in seventeen managers, one of whom to be the president, and appointed as hereinafter mentioned; a majority of whom shall reside in the state of New Jersey.

5. *And be it enacted,* That in all elections, or other questions concerning the management, and business of the said company, each share shall be entitled to one vote for every share not exceeding ten, and for every additional five shares one vote, which may be given in person or by proxy, as may be prescribed in the by-laws of the said company, and that the managers at their first meeting, shall, by a plurality of votes, appoint one of their number to be president, and shall also in the same manner, appoint a treasurer, and such other officers and agents necessary in their judgment for conducting the affairs of the company as they may see proper, who shall severally hold their offices during the pleasure of the said managers; and the said managers may demand and require of the said officers, or any of them, security for the faithful discharge of their respective duties, in such form and manner as they may see proper; and all subsequent instalments shall be paid in such time and manner as the said president and managers may direct.

*Manner of voting, &c.*

6. *And be it enacted,* That John N. Simpson, James F. Randolph, Lambert Rickey, John T. M'Dowell, James Neilson, Nathaniel S. Wyckoff, Joseph Bullock, Samuel Clement, Ebenezer Bateman, Richard L. Beatty, William Halsted, jun. Joseph Rogers, John Marshall, Aaron Ogden, Dayton, Floyd S. Bailey, Pearson Hunt and John Davisson, shall be the first managers, and shall hold their offices until the first Tuesday of January one thousand eight hundred and twenty six, and on that day, and annually thereafter, the managers of the said company, shall be chosen at a meeting of the stockholders to be held at such place within the state of New Jersey, and at such hour as the said managers shall appoint, giving at least twenty days notice thereof, by advertising the same in one or more of the newspapers published in Trenton, New Brunswick and New York; and

party damaged by agreement with the company, or if no agreement is made, then the damage done may be appraised and paid for by the company in the manner provided in this act.

*10. And be it enacted,* That for the fixing and determining the general route of the said canal and feeder, previous to the particular location and survey of the same, by the commissioners their duty, said company, Benjamin Wright, Canvass White, and Ephraim &c. &c.

Beach, jun. being first sworn or affirmed, are hereby appointed commissioners, whose duty it shall be to determine on the most proper stations for the beginning and termination of the said canal and feeder respectively, and the most proper route or routes, on which the said canal and feeder ought to be made by the said company, taking into view, economy and the public interest; and having determined on such general line of the said canal and feeder, they, or a majority of them, shall make and sign a description of the same, and cause it to be filed in the office of the secretary of state; which being done, and not before, the said company may proceed to locate, survey and obtain, the lands and waters necessary for the construction of the canal and feeder aforesaid, conforming themselves in so doing, to the stations, and within the general description of the commissioners as aforesaid; and the compensation to said commissioners and all expenses of obtaining such general description of the line of said canal and feeder, shall be paid by said company.

*11. And be it enacted,* That where lands, waters, and streams, that may be useful for said canal and feeder, shall not be made a free gift by their owner or owners, to said company, then said company shall pay to the owner or owners of all such lands, waters, streams, such compensation as shall be mutually agreed upon between them; and in case the said company cannot agree with such owner or owners in relation thereto, or in case such owner or owners or any of them, be feme covert, under age, non compos mentis, or reside out of the state, then it shall and may be lawful for the said company, and they are hereby required without delay from time to time, and at all times, to cause a survey or surveys, and map or maps, and field book or books, to be made of any of the lands, waters, streams or other things requisite and useful for the purposes aforesaid, distinguishing in the field book annexed thereto, the lands, waters, streams, or other things of each and every owner or owners thereof, appropriated or intended to be appropriated, as aforesaid, and the quantity thereof; and the same survey, map and field book, together with the oath or affirmation of the principal engi-

Compensation  
for lands oc-  
cupied by the  
company, &c.

ever employed by the said company, that the premises there described, are required to be occupied or used by the said company, for carrying into effect the object set forth in this act, and is not more than is requisite and needful for the said uses and purposes, to exhibit to one of the justices of the supreme court of New Jersey, not being a stockholder or otherwise interested, giving at least ten days previous notice in writing, to the parties, of the time and place of such exhibition, by serving the same on such owner or owners, and every of them, if resident in the state at the time, and if not by advertising the same in one or more of the newspapers printed in Trenton and New Brunswick ; and thereupon it shall be the duty of the said justice, to certify such survey, map and book, under his hand and seal, and to cause the same to be filed in the office of the secretary of state, there to remain as a public record ; and also at the same time and place by a writing under his hand and seal, to appoint three discreet and disinterested freeholders of the state of New Jersey, not residing in either of the counties traversed by the canal, as appraisers, who shall before they enter upon the duties of their appointment severally take and subscribe an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act ; and it shall be the duty of the said appraisers or a majority of them, if requested so to do by the owner or owners, or by the company, to make a just and equitable estimate and appraisement of the value of the lands and damages, if any, that each owner may sustain by such appropriation, for the uses and purposes aforesaid, the said appraisers giving ten days previous notice in manner aforesaid of the time and place of meeting to make such appraisement ; and the said appraisers, or a majority of them, shall make regular entries of their determination, valuation and appraisement in a book or books to be by them kept for that purpose, and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take the acknowledgement of deeds and shall cause such book or books to be filed in the office of the secretary of state, there to remain a public record ; and the company shall pay or tender the damages so assessed to the person or persons respectively entitled to the same ; or in case such owner or owners shall be feme covert, under age, non compos mentis or reside out of the state of New Jersey, the said company shall pay the same into the court of chancery of this state, to be disposed of, under the order of the chancellor according to their several and respective rights and interests agreeably to law ; and immediately thereupon, the right, property and interest belong-

ing to the person or persons so compensated and paid in; and to the premises so appropriated, described appraised, and paid for, shall be vested in the said company; and if default be made in such payment, the owner or owners may sue for and recover of the said company the amount of such appraisement, or bring an action of ejectment for the lands, at his, her or their option.

12. *And be it enacted,* That it shall be lawful for the managers of the said company, their officers, superintendents, engineers, workmen, laborers and other person or persons by them employed, with carts, wagons and other carriages, and with their beasts of burthen and draught, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route or tract of the canal, doing as little damage thereto as possible, repairing any breaches they make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand, earth, or other materials there, being most conveniently situated, and being most suitable for making or repairing said canal, or the locks and other devices before mentioned thereto belonging, the said owners or occupants being entitled to a fair compensation or remuneration for their materials taken, and damage done, if claimed within twelve months from the time of such damage sustained or meterials taken away, and in case of disagreement as to the amount of such damage sustained, or the value of such meterials taken away, then it shall be lawful for the said company to apply to one of the justices of the supreme court not being a stockholder or interested in any way, and in case he shall be a stockholder or interested, then to one of the judges of the court of common pleas, whose duty it shall be upon such application, to appoint three judicious and disinterested freeholders of the state, not resident in the county where such lands lie; and thereupon the said appraisers having given at least fifteen days notice in the manner aforesaid, of the time and place of their meeting to the owner or owners, occupant or occupants, or person or persons having charge of such lands to meet at such time and place, and having taken an oath or affirmation fairly and impartially to enquire into and report the value of the said materials, and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisement under their hands and seals, and deliver the same into the office of the secretary of the state of New Jersey; which said valuation and appraisal shall be conclusive evidence of the value of the said materials, and the amount of damages sustained by such

Further privi-  
leges of the  
company, &c.  
&c. specified.

owner or owners of such lands, in any suit, to be brought therefor; and every such owner or owners of the said land, having first made demand of the said company, for the amount so valued or appraised, may sue for, and recover the same by action of debt with costs of suit.

13. *And be it enacted,* That the costs and expenses of all commissioners, justices and other officers and persons engaged in making any appraisement, or discharging any duty imposed by this act, shall be paid by the said company on a bill to be taxed by one of the justices of the supreme court, who shall allow for said services such sum as shall appear to him reasonable.

Commissioners, justice, &c. how remunerated for services.

14. *And be it enacted,* That it shall and may be lawful for the said Delaware and Raritan Canal company, after the said canal and feeder shall be made wholly, or in part, navigable, to demand and receive from the person or persons in possession of, or having charge of any boat or craft, passing on said canal or feeder, such tolls for the same as they may think proper; *Provided*, that the said tolls shall not exceed the following rates, to wit: two cents per mile for every ton weight of the ascertained lading of any boat, ark, craft or vessel, laden with, or engaged in the transportation of mineral coal; and not more than four cents for every ton weight of the ascertained lading of any boat, ark, craft or vessel, laden with or engaged in the transportation of any article of merchandise, and the same for every hundred feet, cubic measure, of lumber, or one thousand feet board measure, of boards, plank or scantling, or for every five thousand shingles, and so in proportion for any other article, and for any other distance; *Provided*, that the stockholders or a majority of them, holding at least one half the capital stock, shall have full power and authority at any general meeting, to lessen the said tolls or any of them. And it shall be lawful for the legislature of this state at any time hereafter, to appoint three commissioners for the purpose of fixing and regulating the tolls to be taken in said canal, which shall be done by said commissioners in conjunction with two commissioners, to be appointed by the company, unless the said company should refuse or neglect upon due notice to appoint any commissioners on their part; in which case the said commissioners on the part of the state, or a majority of them, shall fix and regulate the tolls with due regard to the interests of the company and of the citizen of the state: *Provided always*, that they shall not have power to reduce said tolls, lower than one half the amount allowed as aforesaid, without the consent of the president and directors of said company, but

Tolls how to be regulated &c.

the same rate of tolls shall be paid on articles passing from the Delaware to the Raritan, as on those passing from the Raritan to the Delaware.

*Dividend  
when and how  
to be made.*

15. *And be it enacted,* That at the general meeting of the stockholders to be held annually, agreeably to the sixth section of this act, a general statement of the affairs of the said company, shall be made out and exhibited by the said managers, which shall be proved to be a correct and true statement, by the oath or affirmation of the president and treasurer of the said company, and thereupon, or as often as they shall deem expedient, upon such statement being proved as aforesaid, the said managers, or a majority of them, shall declare such dividends of the nett profits of the company, as they may think proper; which dividends shall be paid to the stockholders, or their legal representatives within ten days thereafter; *Provided*, that if any dividend shall be declared which shall impair the capital stock, the managers and each of them assenting thereto, shall be personally responsible to the said company for the amount of the deficiency.

*Stock, personal  
property  
and transfe-  
rable.*

16. *And be it enacted,* That the capital stock, shall be deemed personal property, and that all shares of the capital stock at any time owned by any stockholder, shall be transferable on the books of the company in such manner as the by-laws shall ordain, but all debts due or payable to the company, and all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by consent of the managers.

*No railway  
nor other ca-  
nal to be con-  
structed with-  
in 10 miles.*

17. *And be it enacted,* That under the powers, restrictions and conditions, stipulated and prescribed in the foregoing enactments, it shall be lawful for the company aforesaid, to alter any part or parts of the route of the canal, if in constructing the same they meet with any insurmountable obstructions arising from rocks or other physical causes, making compensation to owners as hereinbefore directed, and that it shall not be lawful for any person or persons, body corporate or politic, whatsoever, to construct any canal or railway, within ten miles of any point of the said canal or feeder, without the consent of the said company expressed in writing under their common seal, saving to any person or persons, body politic or corporate, any of their just and legal rights already vested to the contrary of this prohibition: and it shall be the duty of the chancellor of this state upon an application made therefor by bill in due form of law, by the said

company, to issue his injunction to stay and prevent the <sup>Injunction</sup> erection and construction <sup>may issue, &c.</sup> of any such canal or railway.

18. *And be it enacted,* That every manager, president and treasurer, and all such other officers as the said managers <sup>All officers to</sup> may direct, shall before he or they act as such, take an oath <sup>take an oath before acting.</sup> or affirmation, for the due and faithful execution of the duties of his or their office.

19. *And be it enacted,* That the said canal and feeder, and the works to be erected thereon in virtue of this act, when <sup>Canal and</sup> completed, shall forever thereafter be esteemed a public <sup>Feeder to be</sup> <sup>deemed a</sup> highway, free for the transportation of passengers or any <sup>public high-</sup> goods, commodities or produce whatsoever, on payment of <sup>way.</sup> the established tolls.

20. *And be it enacted,* That in case of the neglect or refusal of any person or persons to pay the toll, at the time of offering to pass through the said canal, and previous to the boat or vessel passing through the same, the collector or collectors of said toll may lawfully refuse passage to such boat or vessel ; and if any vessel shall pass without paying the toll, <sup>Toll how col-</sup> without the consent of the collector, then the said collector <sup>lected.</sup> or collectors may seize such vessel wherever found, and detain the same three days if necessary ; and in case the toll shall not be paid within that time, then the said collector or collectors, may, after having given five days previous notice of the time and place of such sale in three of the most public places in the township where such seizure may be made, sell the same at auction for ready money ; which, so far as is necessary, shall be applied towards paying the said toll and expenses of seizure and sale, and the balance, if any, shall be paid to the owner of said vessel ; and the person having charge of said vessel shall be liable for such toll, if the same is not paid by such sale.

21. *And be it enacted,* That nothing in this act shall be taken or construed to impair the right of any person or persons to an action against the said company for any damage done to his, her or their waters, rights, lands, tenements or hereditaments, by the erection or construction of the said canal, where such person or persons has not been agreed with by the said company, or his, her or their rights, damages and estate, satisfied and vested in the said company under the provisions of this act.

22. *And be it enacted,* That scales, steelyards, or other machines for the weighing of goods, shall be established at convenient distances along the said canal ; and if any dispute <sup>Scales &c.</sup>

to be established &c.  
and the powers of toll-  
gatherers de-  
fined.

shall arise between the tollgatherer and the boatman with respect to his lading, and the said tollgatherer shall have cause to suspect deception or fraud, the said boatman may be compelled to give an accurate account of his said lading, and if the same be unsatisfactory, the said tollgatherer may take the said boat to the nearest wharf where accurate scales, steel-yards or engines, for weighing goods are kept, and there have the cargo unloaded and weighed; which expense, together with the sum of twenty dollars, if he shall have refused or neglected to give an account of his lading, or if his account so given, shall prove below the real weight of the goods, shall be paid by the said boatman; and if it shall prove that the said boatman has given a correct account of his cargo, then the said corporation shall be liable to the owner of the said boat for damages of detention; in all cases where the toll is charged by the number of articles or by the number of feet contained therein; and if any difference shall arise between any collector of the said toll and the boatman, or person having charge of such articles, it shall be lawful for any such collector to stop and detain any such articles, together with the vessels in which they may be contained, so long as may be necessary to count or measure the same, and upon ascertaining the kind and weight or measure of lading as aforesaid, the said tollgatherer shall give a certificate thereof to the said boatman, which shall be sufficient proof of his not having a greater cargo on board throughout his passage of the said canal, unless an addition shall have been made after the said weighing and admeasurement; and the said company shall put up in some conspicuous places the rate of tolls established on said canal.

*23. And be it enacted,* That whenever the said canal shall Bridges where cross any public road or farm, it shall be the duty of the said and how to be company at their proper expense, to make good and sufficient erected, &c. bridges across said canal, and to keep the same in repair so as to prevent any inconvenience in the usage of the said road or farm by reason of the said canal crossing the same.

Penalty for  
injuring the  
canal, &c.

*24. And be it enacted,* That if any person or persons shall in any manner wilfully and maliciously destroy, injure or obstruct said canal, or any of its parts or works therewith connected, or unnecessarily and maliciously open any gates thereon, or otherwise let off and waste water to the detriment of said company, he, she or they, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine or imprisonment or both, at the discretion of the court in which such conviction shall take place; provided such fine shall not exceed the sum of twenty five dollars, nor

the imprisonment the term of two years ; and such criminal prosecution shall in no wise impair the right of action for damages by civil suit, to be brought by the company.

25. *And be it enacted*, That this shall be a public act, and shall be judicially referred to and taken notice of by all justices and others without being specially pleaded. Public act.

26. *And be it enacted*, That the said company in part consideration of this grant, shall within ninety days after the consent of the state of Pennsylvania for the use of the waters of the Delaware is obtained, as hereinafter mentioned, pay into the treasury of this state, the sum of one hundred thousand dollars, for the use of the state ; and in case of omitting to pay the same, it shall be in the option of the state to declare the said incorporation void, or to hold the said company liable to the said state for the sum aforesaid, with interest thereon, at six per centum per annum ; and the said canal, and other property and stock of the company, shall stand pledged for the payment thereof. Amount of bonus, when to be paid, &c.

27. *And be it enacted*, That at the opening of the books of subscription as aforesaid, the state of New Jersey shall be deemed a subscriber to the amount of one quarter part of the capital stock of said company, which shall be reserved for them until the last day of the session of the legislature of this state, succeeding the time when the said company may obtain the assent of the legislature of Pennsylvania to the waters of the Delaware river as aforesaid, and at such session, it shall be at the option of the said legislature to accept of the said one fourth of the capital stock or any portion thereof for the state of New Jersey ; and if the said legislature shall then accept of the same, or any part thereof, the instalments therefor to the company, shall be paid up to the same amount as has been paid by other subscribers, and any other instalments afterwards, as may be lawfully required. One fourth of capital stock may be taken by the state.

28. *And be it enacted*, That in case of subscription to the stock of the said company, of one fourth part thereof, as aforesaid, the state shall be entitled to appoint five of the managers, and if for any lesser portion, then proportionably to their stock in said company, accepted as aforesaid. Which may appoint five managers.

29. *And be it enacted*, That the shares of the stock of said company shall not be assignable or transferrable, by the said company, or any stockholder or subscribers thereto, until after thirty per cent. at least, of the capital stock is paid in, and after the assent of the state of Pennsylvania shall be obtained for the use of the waters of the Delaware, and the sum On certain contingencies, shares only translatable.

of one hundred thousand dollars be paid to the state aforesaid, and any transfer so made or agreement therefore shall be void.

*30. And be it enacted,* That at the expiration of fifty years after the completion of said canal and feeder, the said state of New Jersey may at their option, to be made within one year thereafter, become entitled to all the estate of the said company, in the said canal and feeder, upon payment to said company of the first cost of the same, as the expenditure therefor may appear at the end of one year after the navigation thereon shall have commenced ; and the said company shall cause to be made out a true and accurate account and statement at the expense of the said canal and feeder, up to the end of said year, and such account shall be sworn or affirmed to, by the president and treasurer or other principal accountant, keeping the accounts, and be filed in the office of the secretary of this state, within six months thereafter : and moreover the state of New Jersey shall at all times by its agent or attorney, duly appointed, have right to examine the account, books and vouchers of said company, in relation to said account, in order to determine if the same be true : but the sum of one hundred thousand dollars mentioned in the twenty-sixth section of this act, shall not be deemed to constitute any part of such expenditure.

*31. And be it enacted,* That the said company shall once in every five years lay before the legislature of this state, under the oath or affirmation of the president and treasurer, or other principal accountant of the company, a statement of the annual amount of tolls received, the expenses of collecting the same, and keeping the canal and feeder in repair, and the dividends paid to the stockholders.

*32. And be it enacted,* That unless the said company shall obtain the consent of the legislature of Pennsylvania in due form, for the use of the waters of the river Delaware, as aforesaid, on or before the first day of June one thousand eight hundred and twenty six, or shall not complete the said canal and feeder, within six years from the passing of this act, in either case, this act shall be void, and the right of the company to the said canal and feeder shall be vested in the state.

C. Passed December 30, 1824.

When the  
state may  
purchase the  
whole estab-  
lishment &c.

Statement of  
the annual  
amount of  
tolls received  
and expenses  
for collecting  
&c.  
made every  
five years and  
laid before the  
Legislature.

Canal to be  
finished in six  
years &c.

## Resolutions.

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**RESOLUTION** relative to an amendment of the Constitution of the United States, proposed by the Legislature of the state of Georgia.

**RESOLVED**, *by the Council and General Assembly of this State*, That the amendment to the Constitution of the United States, proposed by a resolution of the Legislature of the state of Georgia, passed December the twenty second, one thousand eight hundred and twenty three, providing "That no part of the Constitution of the United States, ought to be construed, or shall be construed to authorize the importation or ingress of any person of color, into any one of the United States, contrary to the laws of such State," be, and the same is, hereby disapproved of by the Legislature of this state.

**RESOLVED**, That his excellency the Governor be requested to transmit a copy of the foregoing resolution to the executive of each of the United States, to be laid before their respective legislatures.

C. Passed December 17, 1824.

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**RESOLUTION**, for enquiring into the manner in which the authority to raise money for the benefit of Queens College by the way of Lottery has been exercised.

**RESOLVED**, *by the Council and General Assembly of this State*, That the Attorney General be, and he is hereby directed to adopt such proceedings either at law or in equity as he shall deem expedient, to prevent or restrain any undue or improper exercise of the grant and authority contained in the act to authorize and empower the trustees of Queens College in New Brunswick, to erect a Lottery for the purposes therein mentioned and of the supplement thereto.

C. Passed December 27, 1824.

**RESOLUTIONS** concerning the Commissioners and others employed in the collection of information relative to the Delaware and Raritan Canal.

**RESOLVED,** *By the Council and General Assembly of this State,* That his excellency the Governor is hereby requested to transmit to the honorable John C. Calhoon, secretary at war; to his excellency the Governor of New York; to the honorable Stephen Van Rensalaer, president of the board of canal commissioners of New York; to General Bernard; to Colonel Joseph Totten, and John L. Sullivan, members of the Board for Internal Improvement, each five copies of the Report of the commissioners appointed for the purpose of ascertaining the expediency and practicability of a canal from the Delaware to the Raritan river, together with copies of these resolutions.

**RESOLVED,** That the legislature entertain a high sense of the renewed proof of liberality and patriotism exhibited by the honorable Secretary at war, in promptly granting to the canal commissioners the aid of the board for *Internal Improvements*, to assist in their investigation.

**RESOLVED,** That the thanks of the legislature be presented to George Holcomb, Lucius Q. C. Elmer; and Peter Kean, Esquires, commissioners, for the intelligence, candor and diligence, which have characterized their execution of the commission with which they were intrusted.

**RESOLVED,** That the thanks of the legislature be presented to General Bernard, Colonel Totten and John L. Sullivan; members of the Board for *Internal Improvement*, for the prompt, enlightened, and efficient aid, which they afforded to the commissioners upon the subject of a canal from the Delaware to the Raritan.

C. and A. Passed December 29, 1834.

**JOINT RESOLUTION,** directing the Governor to forward certain copies of the revised laws &c. to the Congress Library.

1. **BE IT RESOLVED** *by the Council and General Assembly of this State and it is hereby resolved by the authority of the same,* That the Governor of this State,

cause to be sent two copies of the compiled and revised laws of this state, and of all the public laws, since that revision, to the Library of Congress; and that in future two copies of the public laws of each session, be sent to the said Library.

*And be it resolved* That the Librarian of this state, be, and he is hereby authorized to procure for the Public Library, two copies of the Journals of the first American Congress, recently published in four volumes.

A. Passed December 29, 1824.

**RESOLUTIONS** relative to the gradual emancipation of people of color and their colonization in a foreign country.

**RESOLVED**, by the Council and General Assembly of this State, That the consideration of a system providing for the gradual emancipation of the people of color, held in servitude in the United States, be recommended to the Legislatures of the several states of the American Union, and to the Congress of the United States.

**RESOLVED**, That in the opinion of this Legislature, a system of foreign Colonization, with correspondent measures might be adopted, that would in due time effect the entire emancipation of the slaves in our country, and furnish an asylum for the free blacks without any violation of the national compact or infringement of the rights of individuals; and that such a system should be predicated upon the principle that the evil of slavery is a national one, and that the people and the states of the Union ought mutually to participate in the duties and burdens of removing it.

**RESOLVED**, That his excellency, the Governor, be requested to forward a copy of those resolutions, to the Executives of each state in the Union, respectively, with a request that they lay the same before their several Legislatures; and that his excellency will also forward a like copy to each of our Senators and Representatives in Congress, requesting their co-operation in all national measures, having a tendency to effect the same object embraced therein.

C. Passed December 30, 1824.

**RESOLUTIONS relative to the Delaware and Raritan  
Canal.**

**RESOLVED by the Council and General Assembly  
of the state of New Jersey,** That the Governor of this state,  
do transmit with all convenient despatch to his excellency  
the Governor of Pennsylvania an exemplified copy of the  
law of this state, passed at the present session, incorporating  
the Delaware and Raritan canal company, with a request  
that he would communicate the same to the legislature of  
Pennsylvania now in session, and express the earnest desire  
which is felt, that Pennsylvania would co operate with New  
Jersey in the proposed plan of improving and extending  
the common navigation, trade and commerce of both states.

**RESOLVED,** That the secretary of state do forthwith furnish  
the Governor with a certified copy of the aforesaid act, and  
a copy of these Resolutions.

A. and C. Passed December, 31 1824.

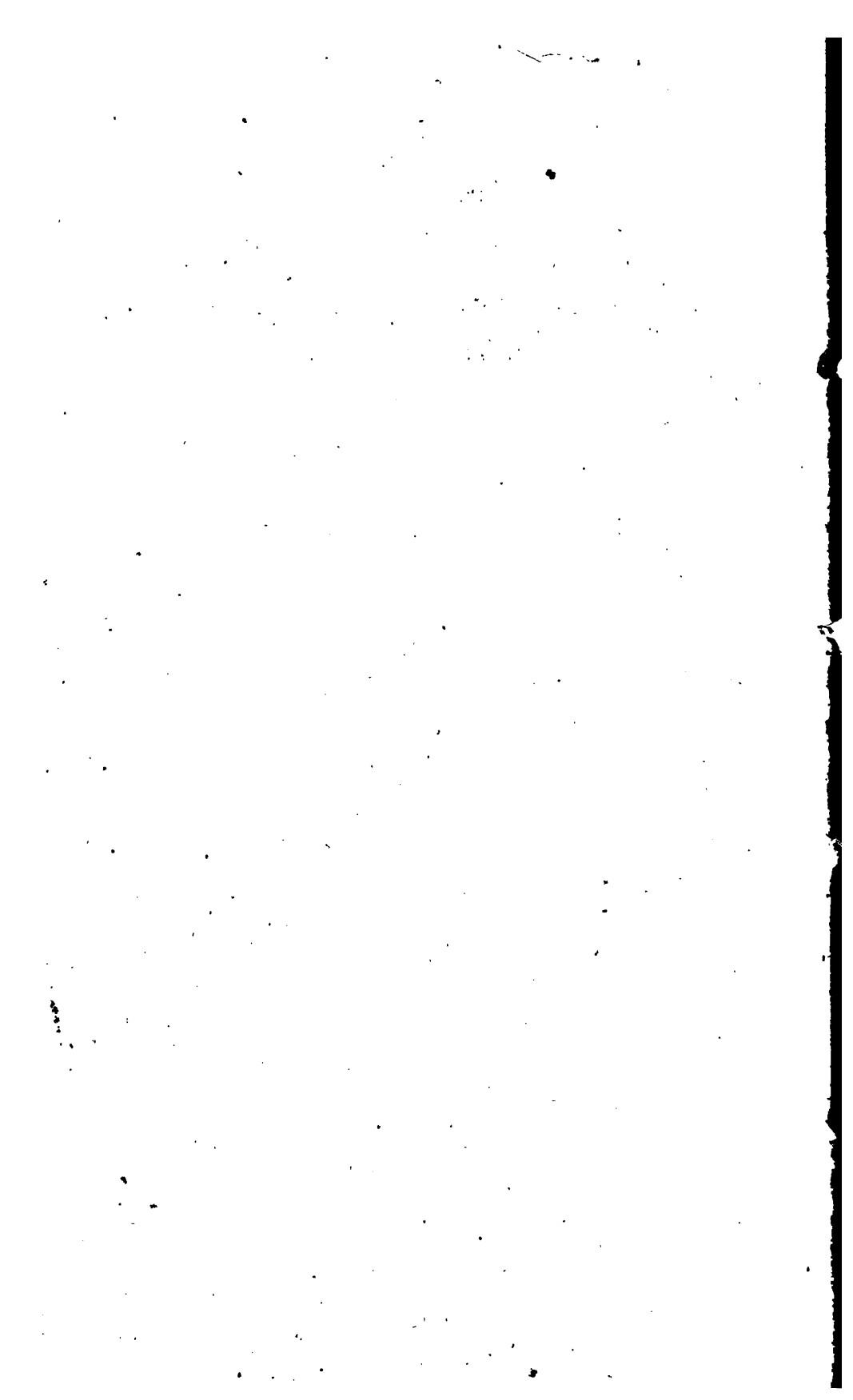
**RESOLUTIONS relative to the School Fund, the Milford  
and Owego Turnpike, and the Sussex Bank.**

**RESOLVED, By the Council and General Assembly  
of this State,** That the treasurer of this state be authorized  
to transfer to the trustees of the School Fund, the United  
States stock, amounting to seven thousand five hundred and  
fifty one dollars and twenty three cents, belonging to this  
state, and to take from the moneys belonging to said fund,  
the same sum, to be appropriated to the current expenses  
of the government.

**RESOLVED,** That the treasurer be aputhorized to take such  
measures as he shall deem expedient to ascertain the amount  
of dividends belonging to the state, from the Milford and  
Owego Turnpike company, and to receive the same for the  
use of the state.

**RESOLVED**, That the president directors and company of the Sussex Bank, ought to continue to pay to this state, the tax upon twenty seven thousand five hundred dollars, as they have heretofore done, and that the treasurer transmit to them a copy of this resolution.

C. Passed December 31, 1824.



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**CENSUS**  
 OR THE  
**STATE OF NEW JERSEY.**

FROM THE UNITED STATES' CENSUS, 1820.

SUSSEX COUNTY.					
Towns.	Population.	Bloomfield	-	-	8,085
Wantage	3,307	Providence	-	-	768
Greenwich	3,335	Livingston	-	-	1,056
Oxford	3,089				
Hardwick	3,360				
Mansfield	2,787				
Newton	2,743				
Knowlton	2,701				
Hardiston	2,160				
Vernon	2,096				
Independence	1,850				
Frankford	2,008				
Sandiston	858				
Montague	964				
Walpack	822				
Byram	672				
		Total	30,793		
	32,752				

MORRIS COUNTY.					
Towns.	Population.	Morris	-	-	3,524
Pequanock	-	-	-	-	3,820
Hanover	-	-	-	-	3,505
Chatham	-	-	-	-	1,832
Washington	-	-	-	-	1,876
Chester	-	-	-	-	1,212
Roxbury	-	-	-	-	1,792
Mendham	-	-	-	-	1,326
Jefferson	-	-	-	-	1,231
Randolph	-	-	-	-	1,055
		Total	21,988		
	21,988				

ESSEX COUNTY.					
Towns.	Population.	BERGEN COUNTY.			
Newark	6,508	Towns.			
Elizabeth	3,515	Compton	-	-	2,811
Springfield	1,804	Franklin	-	-	2,191
Orange	2,830	Saddle River	-	-	1,148
Caldwell	2,020	Harrington	-	-	1,122
Westfield	2,358	New Barbadoes	-	-	1,114
Aquacknock	3,338	Bergen	-	-	1,055
Union	1,567	Hackensack	-	-	1,055
Rahway	1,945				
		Total	11,000		

## HUNTERDON COUNTY.

Towns.	Population.
Trenton	3,942
Hopewell	2,881
Lawrence	1,354
Amwell	6,749
Readington	1,964
Bethlehem	2,002
Alexandria	2,619
Kingwood	2,786
Lebanon	2,817
Tewksbury	1,490
Total	28,64

## SOMERSET COUNTY.

Towns.	Population.
Franklin	3,071
Bridgewater	3,147
Montgomery	2,495
Hillsborough	2,885
Warren	1,452
Bernards	2,063
Bedminster	1,393
Total	16,506

## MIDDLESEX COUNTY.

Towns.	Population.
Woodbridge	4,926
North Brunswick	4,275
South Amboy	3,406
Piscataway	2,648
South Brunswick	2,489
East Windsor	1,710
West Windsor	1,918
Perth Amboy	796
Total	21,470

## MONMOUTH COUNTY.

Towns.	Population.
Freehold	5,146
Upper Freehold	2,541
Middletown	4,369
Shrewsbury	4,284
Howell	3,354
Dover	1,916
Stafford	3,428
Total	25,088

## BURLINGTON COUNTY.

Towns.	Population.
Burlington	2,758
Northampton	4,833
Evesham	3,977
Hanover	2,642
Nottingham	3,633
Springfield	1,568
Chesterfield	2,087
Mansfield	1,957
Chester	2,953
Washington	1,925
Little Egg Harbor	1,102
Willingborough	787

Total 28,822

## GLOUCESTER COUNTY.

Towns.	Population.
Woolwich	2,113
Deptford	3,281
Greenwich	2,699
Waterford	2,447
Newtown	2,497
Eggharbor	1,635
Gloucester	2,059
Galloway	1,895
Franklin	1,137
Weymouth	787
Gloucesterstown	662
Hamilton	877
Total	23,089

## CAPE MAY COUNTY.

Towns.	Population.
Upper Township	2,107
Middle Township	1,157
Lower Township	1,001

Total 4,265

## SALEM COUNTY.

Towns.	Population.
Pilesgrove	2,012
Pittsgrove	2,040
Upper Alloway's Creek	4,194
Lower Alloway's Creek	1,217
Salem	1,303
Upper Penn's Neck	1,861
Lower Penn's Neck	1,158

Mannington	1,732	Needfield	1,903
Eisenborough	505	Dixboro	1,749
Total	24,026	Stow Creek	884
CUMBERLAND COUNTY		Millville	1,610
Todav.	Population	Gateswich	899
Maurice River	2,411	Fairfield	1,869
Hopewell	1,952	Total	12,668

**SUMMARY**

Counties	Whites.	Slaves.	Free colored persons.	Total.	Foreigners not naturalized.	Engaged in Agriculture.	Engaged in Commerce.	Engaged in Manufactures.
Sussex,	31,901	378	473	32,752	122	5,539	97	1,611
Essex,	26,744	659	1,390	30,793	483	2,844	853	3,543
Morris,	20,254	657	457	21,368	157	2,887	58	1,813
Bergen,	15,396	1,683	1,059	18,178	81	3,126	57	1,904
Hunterdon,	26,454	618	1,443	28,604	113	4,263	208	1,955
Somerset,	13,897	1,122	1,487	16,066	61	2,536	44	841
Middlesex,	19,425	1,012	1,033	21,470	103	2,049	137	890
Monmouth,	22,398	1,248	982	25,030	51	5,740	90	997
Burlington,	27,479	82	1,261	28,822	210	4,042	175	1,585
Gloucester,	21,963	39	1,064	23,098	108	3,017	249	1,079
Salem,	13,006	13	1,001	14,020	26	2,562	99	567
Cumberland,	12,045	13	605	12,663	145	1,815	296	503
Cape May,	4,032	28	205	4,265	24	377	69	63
Total,	257,409	7,362	12,460	277,575	1,529	40,812	1,830	15,941

*Second Ed.*

**A C T S**

*Public and Private*

OF THE

**Fiftieth General Assembly**

OF THE

**STATE OF NEW-JERSEY,**

AT A SESSION BEGUN AT TRENTON, THE TWENTY-FIFTH  
DAY OF OCTOBER, ONE THOUSAND EIGHT  
HUNDRED AND TWENTY FIVE.



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**TRENTON,**

PRINTED BY WILLIAM L. PRALL.

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**1825.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That it shall and may be lawful for the Trustees of the First Presbyterian Church in Newark, to grant and convey, in fee-simple or otherwise, in as full and ample a manner as they have a title thereto, unto the Rector, Church Wardens, and Vestry-men of Trinity Church, at Newark, and unto the Trustees of the first Presbyterian Church in Orange, and to the Trustees of the Second Presbyterian Church in Newark; also to the Trustees of the third Presbyterian Congregation in Newark, respectively, such parts or portions of the said lands, granted as aforesaid, for a parsonage and burying ground, to which the Trustees of the First Presbyterian Church in Newark have title, as aforesaid, as have heretofore been, or may be set apart or designed for the use and benefit of the said congregations, or religious societies, respectively, as aforesaid; which conveyance shall vest in the grantees, respectively, such right, estate and interest in the granted premises, as such grantors now have therein, and as they shall choose to express in and pass by such conveyances, and the grantees, respectively, shall be entitled thereto in severalty; but the same shall be held solely and for ever for the support of the gospel, in the said congregations, or religious societies, respectively, and for no other use or purpose.

C. Passed November 4, 1825.

**AN ACT authorizing the building of a bridge over Great Timber Creek, in the county of Gloucester.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That it shall and may be lawful for the board of chosen freeholders of the county of Gloucester to order to be built a good and substantial bridge over Great Timber Creek, at the place where the road, lately laid out, leading to Cooper's ferry, crosses said creek: *Provided*, That a majority of the board of chosen freeholders of said county, at their annual or adjourned meeting, think it expedient to build said bridge at the place aforesaid;—and if the said board think it expedient to build said bridge, it shall be so constructed as to create as little obstruction and inconvenience to the passage of boats and vessels with strike-masts as is practicable.

C. Passed November 12, 1825.

Trustees empowered to convey, &c.

**A FURTHER SUPPLEMENT to the act entitled,  
“An act respecting the office of Treasurer.”**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the Secretary of State shall, in addition to what is required of him by the third section of the act entitled, “A supplement to the act entitled, an act respecting the office of Treasurer,” which supplement was passed the twenty-seventh day of November, one thousand eight hundred and twenty-one, keep an accurate account of all and every check or checks countersigned by him as Secretary aforesaid, in a book for that purpose, and shall each and every year, lay said book before such committee, as shall be appointed to settle and audit the accounts of the Treasurer.

**C. Passed November 11, 1825.**

**A FURTHER SUPPLEMENT to the act entitled,  
“An act for the punishment of crimes,” passed March  
eighteenth, one thousand seven hundred and ninety-six,**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That when any person shall be arrested, for stealing the money or personal goods and chattels of another, under the price or value of twenty dollars, or for committing in the day or night time, any of the offences specified in the fifty-ninth section of the act, to which this is a supplement, under the value of twenty dollars as aforesaid, such person or persons may be tried, convicted, and punished by two justices of the peace, in the manner prescribed by the existing laws of this state, if he or she elect so to be tried, although such person or persons may not have been committed to jail for such offence, any law, usage, or custom to the contrary notwithstanding.

Specified offences may be tried by two justices.

**2. And be it enacted,** That the act entitled, A further supplement to the act entitled “an act for the punishment of crimes, passed March eighteenth, one thousand seven hundred and ninety-six,” which said supplement was passed the twelfth of February, one thousand eight hundred and eighteen, be, and the same is hereby repealed.

What repealed:

**A. Passed November 7, 1825.**

**A SUPPLEMENT** to the act entitled, "An act to incorporate a company for carrying on the whale and seal fisheries from the port of Perth-Amboy, and for banking purposes."

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the act to which this is a supplement, as authorizes and compels the President and Directors of the Commercial Bank of New-Jersey to set apart and employ part of the capital stock in prosecuting and carrying on, from the port of Perth-Amboy, the fishing for whales, seals, and sea-fish, in the Atlantic and Pacific oceans, be, and the same is hereby repealed: *Provided always*, That it shall and may be lawful for the President and Directors of the Commercial Bank of New-Jersey aforesaid to employ any ship or vessel, now owned by them, and hitherto employed in prosecuting the fisheries aforesaid, in such way as they may deem most for the interest of the company, for the term of one year after the passing of this act, and no longer.

A. Passed November 8, 1825.

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**AN ACT** to enable the inhabitants of the township of Newark, in the county of Essex, to raise money by tax.

**WHEREAS**, the inhabitants of the township of Newark, in the county of Essex, are desirous of being enabled, by law, to raise money, by tax, to improve a lot belonging to them, situate in the village of Newark, adjoining the Broadstreet, by erecting a town-house thereon—**THEREFORE**,

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the inhabitants of Newark, in the county of Essex, at their next annual town-meeting, or at any subsequent annual town-meeting, to vote for raising, by tax upon the inhabitants of the said township, any sum or sums of money, for the purpose of erecting a townhouse upon the said lot of ground; which sum or sums of money, so to be voted, shall be assessed and collected as other moneys are or shall be assessed and collected which are raised for the use of the said township by vote or authority of town-meetings held therein.

C. & A. Passed November 9, 1825.

**AN ACT** authorizing Joseph Ogden, Nicholas Justice, esquire, and others, to embank a tract of meadow, in the county of Gloucester.

**1. BE IT ENACTED**, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of meadow and marsh, lying and being on the westerly side of Rackoon Creek, in the township of Woolwich, in the county of Gloucester, beginning at the westerly end of the cross bank, belonging to Nicholas Justice, esquire, thence along said bank to the creek, thence up the said creek, the several courses, to the fast land at Nicholas Justice' landing, to be formed into a company, and known by the name <sup>Name of the</sup> company. <sup>company.</sup> of "The Upper Meadow Company on Rackoon Creek."

**2. And be it enacted**, That every owner of meadow, marsh or swamp, within the bounds of said company, shall, at all times hereafter, make and maintain at their own costs, all the banks belonging to such meadow or marsh, and that all sluices now laid, or which may hereafter be laid, by virtue of this act, with two rods of the bank over each sluice, shall be laid, and maintained at the expense of all the owners, according to the quantity of acres which may be obtained by the said sluices, and all necessary watercourses shall be opened and kept clean by the persons through whose land they may pass.

**3. And be it enacted**, That a meeting of the owners in said company, shall be held on the first Monday in April, in each year; the first meeting to be held at the house now occupied by Nicholas Justice, esquire, and afterwards, at such time and place as the said meeting may direct, and then and there, by plurality of voices, to choose one or more managers for the ensuing year, as they may think best and proper, each to be an owner of at least three acres of meadow within the said company; that Nicholas Justice shall be manager until the annual meeting next after the passing of this act, and in case any omission to choose a manager or managers at any annual meeting, the old manager, or managers, shall be continued until others are chosen, and in case of neglect to choose a manager, or managers, or in case of the death, refusal, or imbecility of any person chosen, it shall be lawful for either of the managers, or any three of the owners, to call a meeting of the said company, by advertisements, to be set up in three of the most public places in the said township of Woolwich, and when met to choose a manager, or managers, as the case may require, who

shall be vested with all the powers, and subject to the same penalties, as if chosen at the annual meeting.

*Penalty on ne-  
glect of making  
banks, &c. &c.*

4. *And be it enacted,* That if any owner or possessor shall neglect to repair his bank, or to open his water-courses, in case of bank, for ten days, and in case of a watercourse, in twenty days, after notice being given or left at his place of abode, for the time aforesaid in writing, by either of the managers, it shall and may be lawful for the said managers, or either of them, to enter upon the said premises of the delinquent, and cause such work to be done, observing also, in cleaning of line-ditches, to draw the mud equally on both sides, and in repairing or throwing a new bank, they shall take mud or earth, any where on the premises of the person to whom the bank may belong, as also for the repairing of sluices and dams on any part of the said bank inclosing said meadow; and in case any owner or possessor may not reside in the township of Woolwich, nor any person to represent him lawfully, who will make up and keep his share of bank in good and substantial repair, so as to effectually exclude the tide from running over or through the same—or who shall neglect or refuse to clean out the watercourse which may pass through or by his meadow, after six days' notice being given by the manager of said company, then it shall and may be lawful for the managers, or either of them, to proceed to the said premises, and repair, or throw a new bank, and open and clean out the watercourse of said delinquent; and for the labor so performed, and money expended, the said manager shall present his account to the said delinquent owner or possessor forthwith, and on the neglect or refusal of the said owner or possessor to discharge the same, it shall and may be lawful for the said manager to advertise for sale the meadow of the said owner or possessor, so refusing, or neglecting to pay, in three of the most public places in the said township, for the space of twenty days, and to sell the herbage thereon; but if the herbage be considered insufficient to pay the debt and costs which have accrued thereon, then to sell and to execute a lease for the said meadow, for so long a time, and no longer, as will be sufficient to discharge all the expenses which may have thereon accrued, and the sale and lease so made, to be considered good and effectual in law. And it shall be lawful for either of the managers, at any time within six months after such work has been done by them, for any owner residing in said township, to present to the owner so residing, an account of the expenses thereof so incurred, which shall be attested on the oath or affirmation of the the said manager presenting the same, if required, and if the same shall not be paid unto the manager as aforesaid, in ten days after the

*Penalties on  
delinquents, &c.*

account shall have been rendered, the manager or managers, after giving ten days' notice by advertisements, in three of the most public places in said township, may sell for any term of years, so much of the meadow, marsh or swamp, to which the said bank or watercourse may belong, as may be sufficient to pay the said expense and costs of sale, with the commissions due on the same, constituted by this act; and they are authorized to make and execute a lease to the purchaser, for such meadow, and for such time, as the same may be bid off at; and such lease shall be as good and effectual in law, as if made and executed by the owner; but if hay, grass, or grain, belonging to such delinquent, more than sufficient to pay the demand, shall be found on the meadow, it shall be the duty of the manager or managers, instead of selling off a lease on the soil, to sell as much of the grass, grain or hay, as may pay the sum demanded, and the costs of sale, with the commissions due thereon, giving notice of the time and place of sale, as before described; and the managers shall render a true account of the sale, and pay the overplus, if any, to the owner of the property so sold.

5. *And be it enacted,* That it shall be the duty of the owners of meadow and marsh, within said company, to cut and keep open all watercourses and leak-water drains through their respective meadows, and in such places as the owners may direct; and in case of neglect in opening of the same, for ten days after notice from either of the managers, it shall be lawful for either of the managers to enter upon the premises, and cause the necessary work to be done: also, it shall be the duty of the owners, to cause their banks to be mown and cleared of all rubbish, twice in every year, once between the tenth day of June, and the first day of July, and once between the first day of September and the first day of October; and if neglected ten days after that time, the managers, or either of them, are required to enter upon the banks, and cause the work to be done, and they are authorized to recover the amount of the expenses which may accrue, as directed in the fourth section of this act.

Banks to be  
mown, &c.

6. *And be it enacted,* That if any of the owners or possessors of said meadow may have a desire to improve his meadow, by letting in the tide, he may do so, provided he cuts his bank any time between the first and twentieth days of December, yearly and every year: *And provided also,* that the said owner or possessor stops the same places where he cuts, on or before the first day of April ensuing after cutting the said bank;—and if any owner or possessor shall neglect to stop and repair the said bank so cut, it shall be the duty of the manager or managers to enter on

the same, and stop said places so cut, and repair the same, without giving notice to the owner or possessor; and the owners of the said bank shall be at all the expense of stopping said places so cut, to be recovered as is directed by the fourth section of this act.

*Penalty on managers, &c.*

7. *And be it enacted,* That if any person, duly appointed a manager, as aforesaid, shall neglect or refuse to perform any of the duties required of him by this act, he shall, for every refusal, forfeit the sum of five dollars, to be recovered by action of debt, by any owner who may sue for the same, with costs of suit; and the fine so recovered shall be paid to the succeeding manager or managers, for the use of the company, provided that no manager shall be liable to be fined until after ten days' notice, in writing, from an owner, of the case requiring his attention.

*Assessment of taxes, &c.*

8. *And be it enacted,* That it shall be lawful for the managers to make assessments, and receive such sums of money as may be found necessary for the use of the said company, by tax upon all the meadow, marsh, and swamp which may be improved within the said company, and shall produce the duplicates containing their assessment to the annual meeting, and, at the same time, render a true account of all moneys by them received and expended for the use of the company, for settlement, and shall pay the balance, if any be found in his or their hands, to the succeeding managers, who are authorized, on failure of payment, to sue for and recover the same, by action of debt, in any court having cognizance thereof, with costs of suit: and the managers shall provide a book, in which shall be entered the proceedings of the annual and other meetings, and in which shall be recorded all judgments which may be rendered under the fourth section of this act.

*Meadowsliable, &c.*

9. *And be it enacted,* That all the meadow, marsh, and swamp within the said company shall be held liable for all the money which may be assessed thereon for the use of the said company; and all the meadow, marsh, and swamp of any individual shall be held liable for the payment of any money which may be expended by the managers on the banks or watercourses belonging thereto, agreeably to the directions of this act, any sale or alienation thereof notwithstanding; and the managers shall be entitled to receive ten per cent. upon all sums assessed and collected for the use of said company, and the same commissions upon all sums by them expended for the use of individuals, pursuant to the directions of this act.

*Dimension of line-ditches.*

10. *And be it enacted,* That all line or division ditches between owners shall be considered as watercourses, and being nine feet wide at the top, and four and a half feet wide at bottom, and three feet deep, lying upon a mud or

miry bottom, shall be taken and esteemed to be lawful fences within the said company, and for all trespasses done over or through them damage shall be recoverable, as if done over any other lawful fence.

C. & A. Passed November 11, 1825.

**AN ACT** to enable the administrators of the estate of William Sharp, deceased, to make and execute title to certain real estate.

**WHEREAS** William Sharp, deceased, was, in his lifetime, by virtue of a deed of conveyance from under the hand and seal of Benjamin Wilkins, then sheriff of the county of Gloucester, bearing date the twelfth day of May, one thousand eight hundred and twenty-four, seized of certain real estate, herein after described, situated in the said county of Gloucester, viz. one certain tract of land, containing two thousand one hundred and eighty-nine acres, be the same more or less; and also, one equal undivided third part of a tract of land, and saw-mill, pond, and buildings thereon, containing about seventy acres of land, more or less, as by said deed, or the record thereof, in the clerk's office in the county of Gloucester, in lib. M. M., folio 302 to 307, will appear.—**AND WHEREAS** the said William Sharp, deceased, by one other deed of conveyance from under the hand and seal of Samuel Haines, then sheriff of the county of Burlington, bearing date the third day of October, one thousand eight hundred and twenty-one, became seized of a tract of land, situate in the county of Burlington, containing twelve hundred acres, be the same more or less, in one tract, and one equal eighth part of a saw-mill and pond and thirteen acres of land, in one other tract, as reference to said deed being had will fully appear.—**AND WHEREAS** the amount of the consideration money paid for the several tracts of land and premises aforesaid was paid to the said sheriffs, before named, by Benjamin B. Cooper, of Gloucester aforesaid, and, at his request, the conveyances of the said land and premises were made to the said William Sharp, in his lifetime, under the special agreement and trust, that the said William Sharp would sell and dispose of the said land and premises to the best advantage, but for the sole use and benefit of the said Benjamin B. Cooper, as appears by two receipts from the said William Sharp to the said Benjamin B. Cooper, one of which bears date the

Preamble.

fourteenth day of December, one thousand eight hundred and twenty-two, and the other bears date the fifteenth day of May, one thousand eight hundred and twenty-four.—AND WHEREAS the said William Sharp, in his lifetime, in pursuance to said trust, did sell and convey a part of said premises, and pay over the proceeds thereof to the said Benjamin B. Cooper, after which the said William Sharp suddenly died, without conveying the remainder of said lands and premises to or for the use of the said Benjamin B. Cooper, or without making any will or provisions for the conveying or disposition thereof for his benefit; all which premises particularly appear by a declaration of trust or instrument in writing, dated the sixth day of October, one thousand eight hundred and twenty-five, and signed by Elizabeth Sharp, widow of the said William Sharp, and by Franklin Sharp and Eli Sharp, who are the administrators of the said William Sharp, deceased, as aforesaid.—AND WHEREAS application hath been made to this legislature, to authorize a conveyance to be made to the said Benjamin B. Cooper of all such part of the real estate aforesaid as remains unconveyed by the said William Sharp, in his lifetime, which appearing to the legislature just and reasonable—  
THEREFORE,

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Elizabeth Sharp, Franklin Sharp, and Eli Sharp, administrators, as aforesaid, of the said William Sharp, deceased, be, and they are hereby authorized to execute, in due form of law, a deed of conveyance in fee-simple, to the said Benjamin B. Cooper and his heirs and assigns, of and for all such part of the above mentioned real estate as remained unsold or unconveyed by the said William Sharp, in his lifetime.

**2. And be it enacted**, That the said deed, so to be made, shall convey and vest in the said Benjamin B. Cooper, his heirs and assigns, all the estate, right, title, and interest of the said William Sharp, deceased, of and in the said real estate, and shall be as valid and effectual for that purpose as if made, executed, and acknowledged by the said William Sharp, during his lifetime: *Provided however*, that the said deed of conveyance shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatever, other than the said William Sharp, deceased, and his heirs, and all persons claiming under him or them:

**C. Passed November 11, 1825.**

**AN ACT** authorizing the inclosure of a certain tract of land, situate in the township of Caldwell, in the county of Essex, called "The Little Piece."

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of land, situate, lying, and being in the township of Caldwell, in the county of Essex, called the Little Piece; which said lands are included in the following boundaries, to wit: beginning at a stump, a corner of Richard Jacobus' and William Crane's land, on the east side, on the bank of the river Passaic; thence running (1) north fifty-three degrees and thirty minutes east, fourteen chains along said Richard Jacobus' line; (2) thence south seventy-five degrees east, ten chains and fifty links, along the Horse Neck road; (3) thence south seventy-six degrees east, eleven chains along said road; (4) thence south fifty-five degrees east, twenty chains and ninety links along said road, to a corner of David Jacobus' land; (5) thence, along his line, south sixteen degrees west, nine chains and seventeen links; (6) thence, along his line, south sixty-two degrees and thirty minutes east, five chains; and twenty-two links, to a line of John Coles' land, being the easterly line of the Little Piece; thence, along the same, (7) south seventeen degrees west, thirty-two chains; (8) thence south seventy-five degrees east, four chains and fifteen links; (9) thence north seventeen degrees and thirty minutes east, three chains and fifty-three links; (10) thence south seventy-three degrees east, ten chains and fifty-seven links; (11) thence south forty degrees east, thirteen chains and eighteen links; (12) thence south forty-four degrees west, six chains, to the river; thence down the same, the several courses thereof, to the place of beginning; to erect such fences and swing-gates, as by the managers herein after named, to make the assessment from time to time, as may be deemed proper to inclose the same; and that from and after inclosing the same, as aforesaid, no person or persons, whatsoever, shall be at liberty to drive or let in any horses, cattle, sheep or hogs, with an intent to run at large in the said tract: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from permitting his, her, or their own, or the cattle, horses, sheep or hogs of any other person, to run on any part of the said tract already inclosed by him, her, or them, or which may hereafter be inclosed, so long as the same shall be inclosed by him or them by a lawful fence.

2. And be it enacted, That if any person or persons, whatsoever, shall drive or let in any horses, cattle, sheep,

Boundaries of  
lands to be in-  
closed, &c.

*Provided*.

**Penalties for violations of the first section.**

or hogs, within the said tract, after it shall have been inclosed as aforesaid, except as specified in the first section, with an intention to run at large, such person or persons shall forfeit and pay the sum of ten dollars; or if they should pull down any fence, or designedly leave open any swing-gate longer than to pass through, and not immediately put up said fence, and shut up said swing-gate, shall forfeit and pay the sum of five dollars for each offence, to be recovered in an action of debt, with cost of suit, by any person prosecuting for the same.

**When cattle, &c. may be turned in.**

3. *And be it enacted,* That the owners and possessors of said tract may turn into pasture on said tract, horses and cattle, (sheep and hogs excepted) one month in every year, between the first day in October, and the first day in November, not exceeding two creatures to three acres of land.

**Managers, their powers, &c.**

4. *And be it enacted,* That Peter Speer, Thomas D. Gould, and Richard Cole, be managers, and to continue in office until the first annual meeting, whose duty it shall be to erect fences and swing-gates, or cause them to be made, as shall be lawful, and most convenient to the said company to inclose the same, and they and their successors in office, shall from time to time make such assessments, and make and repair the fences and swing-gates, as shall be necessary to keep the said tract inclosed in good and lawful fence, and superintend the expenditure of all money to be received and paid for the purposes aforesaid.

**Annual meetings to be held, &c.**

5. *And be it enacted,* That the first annual meeting of the owners and possessors of said tract shall be on the last Monday in March, one thousand eight hundred and twenty-six, at the house of Richard Speer, in Caldwell, when an election will be held for the choice of three managers, who shall be owners or possessors in said tract, between the hours of twelve and three o'clock in the afternoon; and an election for that purpose shall be held on the last Monday in March, in each year afterwards, at such place as shall be agreed upon by a majority of the said owners, assembled at a previous annual meeting between the hours aforesaid, and each owner and possessor shall be entitled to one vote, and no more; and there shall be elected, at the same time, three persons, owners in the said tract, who shall be a committee to settle with the managers annually, all their accounts, and report the same to the company at their annual meeting.

**Cattle, running at large, when to be impounded, &c.**

6. *And be it enacted,* That if any horses, cattle, sheep, or hogs, shall be found running at large on any part of the said tract inclosed as aforesaid, excepting as specified in the first section of this act, it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the township of

Caldwell, and shall, as soon as may be, make affidavit, stating that the same were taken running at large in the said tract, and in such affidavit shall state a description of the horses, cattle, sheep or hogs so taken, which affidavit shall be delivered to the poundkeeper where the horses, cattle, sheep or hogs are impounded, and the person impounding the said horses, cattle, sheep or hogs, shall be entitled to receive for every head so taken and impounded, the sum of thirty-seven cents, for every head so taken and impounded, if not exceeding four, if more than four, then for every head so taken and impounded the sum of twenty-five cents; except in regard to sheep, the damages of which shall in no case exceed twelve cents per head, to be collected by the poundkeeper, of the owner, or from the sale of the said horses, cattle, sheep or hogs, which shall be the measure of damage to be paid on such occasion, and the poundkeeper is directed to receive such beast, and to proceed in the same manner after the receipt of the same, as is directed in the case of distress for damage feasant in the act entitled, "An act regulating fences," passed the twenty-second day of January, one thousand seven hundred and ninety-nine, and shall be entitled to the same fees, and subject to the same penalties for the neglect of duty, as are allowed and imposed in and by the said act.

7. *And be it enacted*, That the managers elected as aforesaid shall by virtue of this act, be authorized to make an estimate of the part of the tract benefited by such inclosure, shall ascertain the number of acres, as accurately as they can, which each individual owns or possesses therein, and which may receive benefit from such inclosure, either by actual survey or otherwise, as shall be agreed on by a majority of the owners or possessors when met at their first or any subsequent meeting; which estimate, when made, shall, by the persons so elected as aforesaid, be fairly entered in a book to be kept for that purpose, in which book shall be entered the names of the persons from time to time elected to superintend the expenditures of the money assessed for making and repairing fences and swing-gates as aforesaid, and other of the proceedings relative to inclosing of the said tract, which book shall be kept by the person elected as aforesaid; and all assessments shall be made according to the first estimate, until the same is altered by a majority of votes of the owners and possessors of the said tract.

Estimate of property inclosed,  
to be made, and  
entered in a book.

Assessment &c.

8. *And be it enacted*, That as soon as any assessment is made, and the sum which each individual is to pay is ascertained, it shall be the duty of the persons so elected as aforesaid to demand from each individual, his, her, or their proportion, either personally or by leaving a statement of the sum he, she, or they are to pay with some white person

How to be collected.

of the family above the age of fourteen years, at their dwellinghouse, and on failure of payment thereof for thirty days after such demand, which shall and may be proved by the oath of the person making it, unless otherwise interested, it shall be lawful for the persons elected as aforesaid to sue for and recover the same, in their own names, from each individual so assessed and notified as aforesaid, together with cost of prosecuting for the same, before any court having cognizance of the same.

*9. And be it enacted,* That the persons so elected shall annually account to the owners for all moneys which have come into their hands as aforesaid, and pay over all balances remaining in their hands, if any, to their successors, and deliver over the book directed to be kept, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by their successors, with cost of suit, and to be applied by them, when recovered, to the purpose of making and mending the fences on said tract.

C. & A. Passed November 9, 1825.

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**A SUPPLEMENT to an act entitled, "An act to incorporate the Salem Steam-Mill and Banking Company."**

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the corporate name and style of the company incorporated by an act entitled, "An act to incorporate the Salem Steam-Mill and Banking Company, in the county of Salem," passed the sixth day of November, one thousand eight hundred and twenty-two, be, and the same hereby is altered and changed; and the said corporation shall hereafter be known by the name of "The Salem Banking Company," and by that name shall have the same succession, the right to make and have a common seal, and all the rights, privileges, and powers to which the said corporation is entitled under the name of "The Salem Steam-Mill and Banking Company:" Provided always, that the said corporation shall in no wise be exonerated by this act from the performance of all contracts entered into, or from the payment of notes issued or to be issued in the name of "The Salem Steam-Mill and Banking Company;" and suits may be instituted by the said corporation against its debtors, and also against the said corporation, upon all contracts made and entered into before the passing of this act,

in the name of "The Salem Steam-Mill and Banking Company," this act to the contrary notwithstanding.

*2. And be it enacted,* That the said corporation shall have one year to dispose of the steam-mill and its appurtenances: *Provided always,* that after the expiration of one year, as aforesaid, the said corporation shall in no case be owners of any steam-mill or mills, or deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, stock of the United States, goods, wares, merchandise, and effects, as shall be truly pledged to them by way of security for debts due, owing, or growing due to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its lands.

A. Passed November 11, 1825.

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#### AN ACT for the relief of John Walker.

*BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the brigade paymaster of the county of Gloucester for the time being, shall and is hereby required, quarter yearly, to pay to John Walker of said county, formerly of Captain Samuel W. Harrison's volunteer company of artillery, who was wounded at the regimental training at Chew's Landing in June last, fifteen dollars out of any money in his hands belonging to said board unappropriated, from and after the passing of this act, during the lifetime of said John Walker, and the receipt of said John Walker shall be a sufficient voucher to the brigade board, in settlement of his account, for such sum or sums as shall be paid.

C. Passed November 12, 1825.

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#### AN ACT to amend the act entitled, "An act to authorize the executrix of Robert Fulton, deceased, to sell and convey certain real estate."

WHEREAS the legislature of this state, by the second section of an act passed on the fifteenth day of December, in the year of our Lord one thousand eight hundred and

twenty-four, did thereby authorize Charles Augustus Dale and Harriet his wife to sell and convey certain land and premises, situate, lying, and being in the town of Jersey, in the county of Bergen, and state of New-Jersey, commonly called Powles Hook, that were granted and conveyed by the Associates of the Jersey Company to Cadwallader D. Colden, and Robert Fulton, deceased, by indenture bearing date the thirteenth day of February, in the year of our Lord one thousand eight hundred and twelve.—AND WHEREAS, by the sixth section of the same act, it is enacted, “That no deed of conveyance of the residue of such real estate, made by the said Charles Augustus Dale and Harriet his wife shall be valid, unless it be certified in or upon such deed or conveyance, by William S. Pennington, Theodore Frelinghuysen, and Elias Van Arsdalen, or any two of them, or the survivor or survivors of them, that such sale was made bona fide and for the highest price that could be reasonably obtained for such real estate, at the time of the sale.—AND WHEREAS it satisfactorily appears, by the petition of the said Charles Augustus Dale and Harriet his wife, and of Cadwallader D. Colden, that a bona fide sale of the said property had taken place, and a deed executed therefor and delivered; and by the representations of the said William S. Pennington, Theodore Frelinghuysen, and Elias Van Arsdalen, who have certified, that, in their opinion, the said sale was made bona fide and for the highest price that was offered, or could be reasonably obtained for the said premises, at the time of the sale: but that there was a mistake made in the law, to which this act is an amendment, in reciting the date of the deed from the Associates of the Jersey Company to Cadwallader D. Colden and Robert Fulton; and that, in truth and in fact, the said deed is dated the thirtieth day of November, in the year one thousand eight hundred and twelve, instead of the thirteenth day of February, one thousand eight hundred and twelve, as is stated in the act passed the fifteenth day of December, one thousand eight hundred and twenty-four, to which this act is an amendment—and all which appears on the exhibition of the original documents;—and the said parties having prayed, that an act be passed confirming the sale so made, as aforesaid, to the said Cadwallader D. Colden—  
THEREFORE,

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the deed made and executed by the said Charles Augustus Dale and Harriet his wife to the said Cadwallader D. Colden, bearing date the eleventh day of

January, one thousand eight hundred and twenty-five, for the land and premises in the town of Jersey, in the county of Bergen, and state of New-Jersey, shall be good and valid in law, and shall vest in the said Cadwallader D. Colden, his heirs, and assigns, for ever, the land and premises therein and thereby granted and conveyed, or meant, mentioned, or intended ~~so~~ to be, subject, however, to all the provisos, covenants, conditions, and agreements in the said deed from Charles Augustus Dale and Harriet his wife to the said Cadwallader D. Colden, specified and contained.

Former deed  
made valid.

A. Passed November 15, 1825.

**AN ACT** to enable the administrators of Peter Vankirk, deceased, to convey a certain lot of land therein mentioned.

WHEREAS Peter Vankirk, late of the township of Freehold, in the county of Monmouth, deceased, in his lifetime, entered into a verbal agreement with William I. Conover, to sell and convey to him, in fee-simple, a certain lot of land, situate in the township and county aforesaid, containing three acres and twenty-six-hundredths of an acre, for the sum of two hundred and eighty-five dollars, to be paid to the said Peter Vankirk, the one half thereof on the delivery of the deed, and the other half in six months thereafter, and delivered possession of the said lot of land to the said William I. Conover, in pursuance of said agreement, but was prevented, by sudden indisposition and death, from executing a deed of conveyance for the same.—AND WHEREAS the parties interested have presented their petition, praying that the administrators of the said Peter Vankirk, deceased, may be authorized to convey the same, so as to carry into effect the said agreement—THEREFORE,

Preamble.

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Elias I. Conover and John Schenck, administrators of Peter Vankirk, deceased, be, and they are hereby authorized to execute and deliver to the said William I. Conover a deed of conveyance for the said lot of land; which shall vest in the said William I. Conover, his heirs, and assigns, all the right, title, estate, and interest of the said Peter Vankirk, at the time of his death, in and to the said lot of land, and to receive, from the said

Administrators  
authorized to  
convey, &c.

William I. Conover, payment for the same, to be disposed of according to law: but nothing in this act contained shall in any manner interfere with the lawful claims of any person whatever to the said land and premises, except the heir or heirs of the said Peter Vankirk, deceased.

C. Passed November 21, 1825.

**AN ACT to incorporate the Paterson and New-Prospect Turnpike Company.**

1. **BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Jeremiah H. Pierson, James B. Larue, Brant Van Blarcom, Peter Jackson, Robert Morrill, Philemon Dickerson, James Van Blarcom, and Michael Salyer, be authorized to receive subscriptions for erecting a turnpike road, four rods wide, to begin at or near the town of Paterson, at the Bergen county line, on the north-east side of the Passaic river, at some point between the house belonging to Brant Van Blarcom, in the county of Bergen, and the street commonly called Parke street, in the town aforesaid, in Essex county, to intersect the Franklin turnpike at such place, at or near its southern termination in Franklin township, in the county of Bergen, as the commissioners herein after appointed shall think most equitable and just, having due regard to the situation and nature of the ground, and the interest of the stockholders.

2. *And be it enacted,* That the capital stock of said company shall not exceed four thousand dollars, for each mile of said road; that the capital stock shall be subscribed in shares of twenty-five dollars each, and that one dollar and fifty cents shall be paid on each share at the time of subscribing—and, as soon as one hundred shares shall be subscribed, the said Jeremiah Pierson, James B. Larue, Brant Van Blarcom, Peter Jackson, Robert Morrill, Philemon Dickerson, James Van Blarcom, and Michael Salyer, shall call a meeting of the stockholders, to be held at Paterson, after four weeks notice being given in a newspaper printed in Paterson, to choose five directors, designating one of that number, who shall be president, three of whom shall be a board to transact business, and a treasurer, to continue in office until the first Tuesday in May then next ensuing, on which day, and also on the first Tuesday in May, annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders shall have, at their last

Capital stock,  
shares, &c.

Officers chosen  
annually.

meeting, appointed; that each stockholder may vote in person or by proxy, and shall have one vote on each share, until the number of ten, and one vote for every five shares thereafter; that the said president and directors shall be called and known by the name of "The President and Directors of the Paterson and New-Prospect Turnpike Company," and shall have all the powers, rights, and privileges incident to a body politic or corporate for the purposes herein mentioned, for the term of ninety-nine years; and also, that they and their successors, by the same name and style, shall be, in law, capable of suing and being sued, and of purchasing, holding, and conveying any estate, real or personal, for the use of said company: *Provided*, that the real estate so holden shall be such only as may be requisite to promote and attain the objects of this incorporation, and may be relative thereto; which objects are hereby declared to be—the erecting and maintaining a good and sufficient turnpike road from Paterson to New-Prospect, aforesaid.

Manner of voting, &c.

Style of the corporation.

Powers, privileges, &c.

3. *And be it enacted*, That the president and directors aforesaid shall have the power to appoint the time and place of all their meetings, and to appoint all such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in said company; and if any vacancy or vacancies shall at any time happen in the said office of president, or among the directors, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the directors for the time being, or a majority of them, may appoint; and that the said president and directors may make such by-laws and regulations relative to their concerns as they may deem expedient: *Provided* the same shall not be repugnant to the constitution and laws of this state or of the United States, or the provisions of this act; which ordinances, by-laws, and regulations, together with all accounts, shall be submitted to the stockholders, at their annual meetings.

Vacancies to be supplied.

By-laws.

4. *And be it enacted*, That Peter Sip, Nathaniel Board, and Garret Van Houten, be commissioners to lay out a turnpike road, to begin at or near the town of Paterson, at the Bergen county line, on the north-east side of the Passaic river, at some point between the house belonging to Brant Van Blarcom, in the county of Bergen, and the street commonly called Parke street, in the town of Paterson, in Essex county, to intersect the Franklin turnpike road at such place, at or near its southern termination in Franklin township, Bergen county, as they shall think most equitable and just, having due regard to the situation

Commissioners,

their duty.

and nature of the ground, public convenience, and the interest of the stockholders; said road shall not pass through or cross over any burying ground, or place of worship, or dwellinghouse, without the consent of the owner or owners thereof, in writing; nor shall it pass through any out building, of the value of three hundred dollars, without such consent, in writing; and the said commissioners, or a majority of them, shall, within six months thereafter, cause an accurate survey of the line of said road, and a map or plot of said survey, to be correctly laid down on a scale of four inches to the mile, and certify the same under their hands, which they shall file in the secretary's office of this state, to be entered of record in the said office;—a certified copy of said record shall be sufficient evidence of said road—all reasonable charges by the said commissioners, for time and expenses, shall be paid by said company, and the said commissioners shall, before they enter upon the duties of their office, take and subscribe an oath or affirmation, to perform the same without favor or partiality, which oath or affirmation shall also be filed in said office.

5. *And be it enacted,* That in the middle of said road shall be formed a space, or artificial road, not less than twenty-eight feet in breadth, which shall be raised in the middle at least fifteen inches, and decrease the sides thereof, so as to form a gradual arch, and shall form a firm and even surface, so as to secure a good and sufficient road at all seasons of the year; and said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part shall rise above four degrees on a parallel with the horizon; and that the said directors shall cause good and sufficient bridges to be erected, where necessary on the line of said road, to be constructed not less than twenty feet in breadth, which road and bridges shall be kept in good and sufficient repair by said company; and in case they shall not be so kept, said corporation shall be liable to be proceeded against, as in the case of overseers of the highways for neglect of duty; and when the said road, in passing over low grounds, is raised so much at the margin, or side of the travelling path, as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

6. *And be it enacted,* That, in addition to the provision contained in the preceding section, if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace in the county where the cause of complaint may arise, who may be disinterested, the said justice shall immediately

Infringement of  
the preceding  
section, how to  
be rectified.

appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, or either of said townships, which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as the said justice may appoint, and, having taken the oath or affirmation to act impartially, shall proceed to examine the said road so complained of, and report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of said gate to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the justice to open said gate, exact toll from travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person that will prosecute for the same, in an action of debt, with cost of suit; and the said justice shall be allowed for his services fifty cents, and the persons so appointed, one dollar each, to be paid by the turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view said road, and report, as aforesaid, their opinion to said justice, who shall, if authorized by the report of said persons, or any two of them, by license, under their hands and seals, directed to the tollgatherer, permit the gates to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the said company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint; and, in case three of the township committee aforesaid are not disinterested, the said justice shall appoint, in the manner above described, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

7. *And be it enacted,* That full power and authority be given to the said commissioners, and the said corporation, and to their agents and servants, and all persons employed by or under them, for the purpose contemplated in this act, from time to time, to enter upon and make use of any land which shall be deemed necessary for laying out or making said road, and for carrying into effect the objects of this law, and also to carry away stone, gravel, or sand for the use of said road, subject always to make compensation for

Commissioners,  
their power, &c.

all damages thereby occasioned, either by agreement of the said parties, or by judgment of independent men, chosen by said company and the person who shall have sustained such damages, or as is herein after mentioned.

6. *And be it enacted,* That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby, and having settled the same agreeably to the provisions of the seventh section of this act, and it shall be lawful for such owners to meet at New-Prospect, on thirty days notice being given, by advertisement, set up in four of the most public places in the township through which the said road may run, and also in the *Peterson* newspaper and one of the newspapers printed in New-York, to choose six respectable freeholders in the county of Bergen, not interested, and the said corporation shall also choose six respectable freeholders in said county, not interested; which twelve persons shall, after having taken an oath oath or affirmation to act impartially and to the best of their knowledge, three-fourths of them agreeing, determine, at the expense of the turnpike company, the amount of compensation which shall be paid by the said company to such of the applicants, respectively, as they shall conceive to be injured; on which payment the said company shall become seized of the same estate in the lands, tenements, and hereditaments, which the owner or owners held in the same; but if the owner or owners of any land through which the road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case twelve freeholders, chosen as above, or three-fourths of them, do not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon the application of either party, and at the cost and charges of the said corporation, to direct a special jury of the freeholders of any of the townships of said county through which the said road shall not run, to be struck before such justice, in the manner such juries are usually struck, who shall view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury or disadvantages sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the Supreme Court by the sheriff of the county of which said inquisition was taken; and it shall be the duty of such sheriff to attend, with his book of freeholders, at such place as the said justice shall appoint, upon ten days notice being given him, for the purpose of striking said jury, and also, upon like notice, to have said jury upon the premises at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled

Grievances,  
how to be re-  
dressed.

to such fees for their services as are allowed by law in the cases of special juries; and, upon the coming in of such report or inquisition, and the confirmation thereof by the court, and the said directors paying the owners, respectively, the sum mentioned in such report, in full compensation for said lands, tenements, and hereditaments, privileges and appurtenances, or for the injury sustained as aforesaid, as the case may be; and, upon such payment, the said company shall become seized in the same estate, in the lands, tenements, and hereditaments aforesaid, which the said owner held in the same, and which they shall have taken possession of and paid for, as aforesaid; and they, and all who have acted under them, shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, that feme covert, persons under age, and non compos mentis, shall not bear any part of the expenses: *Provided also*, that the payment, or security for the payment and damages aforesaid, for lands through which the said road may be laid out, to the satisfaction of the person or persons, be made before the company, or any person under their direction or in their employ, enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained in writing.

Compensation,  
how to be made.

Proviso.

9. *And be it enacted*, That it shall and may be lawful for the said directors to call and demand from the stockholders, respectively, all such sum or sums of money by them subscribed, at such time and in such proportion as they shall see fit, not exceeding five dollars on each share at any one time, under pain of forfeiture of their shares, and all previous payments made thereon to the said company.

Shares, how for-  
feited.

10. *And be it enacted*, That as soon as the said company shall have completed said road, then it shall be lawful for the directors to give notice to the governor, or the person administering the government of the state, who shall forthwith nominate and appoint three commissioners, who shall, at the expense of the corporation, view the same, and report to him, in writing, whether the said road has been executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, by license under his hand, to permit the said directors to erect turnpike gates across the said road, subject to be removed at pleasure, and to demand and receive toll at the same, for each mile of said road, after the following rates, viz.

Governor to ap-  
point commis-  
sioners to in-  
spect the road,  
&c.

Gates erected  
and toll collect-  
ed.

For every score of sheep, hogs, or calves, one cent,  
and so, in proportion, for a greater or less number.

For every score of cattle, horses, or mules, two cents,  
and so, in proportion, for a greater or less number.

For every sleigh or sled, drawn by one beast, one cent;  
for every additional beast, one cent.

For every horse and rider, or led horse or mule, one cent.

For every carriage drawn by one beast, one cent;  
for every additional beast, one cent.

And it shall be lawful for every tollgatherer to stop any person or persons leading or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have respectively paid their toll, as above specified: *Provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person or persons passing with their horses or carriages to or from public worship, or any person to or from any mill to which he may resort for the grinding of grain for his family's use, or persons passing to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law.

11. *And be it enacted*, That no tollgate shall be erected; or any obstructions placed on such part of said road as is at present a public highway.

12. *And be it enacted*, That before said company shall receive toll for travelling said road, they shall cause mile-stones, or posts, or iron slabs, to be erected, and continue one for each and every mile, and on each stone, or post, or iron slab, shall be legibly marked the distance the said stone, or post, or iron slab, is from Paterson, and shall cause to be fixed, and always to be kept up, at the gate or gates aforesaid, in some conspicuous place, a printed list of the rates of tolls which may be lawfully demanded, and also a board, on which shall be printed, in large letters, "Keep to the right, as the law directs."

Penalty for in-  
juries, &c.

13. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile-stones, posts, iron slabs, or rates of tolls, so erected on said road, or shall wilfully cut, break down, destroy, or otherwise injure, any gates, turnpikes, or bridges, that shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation, to their use, with costs of suit; and if any person shall, with his team, carriage, or horses, turn out of said road to pass a gate or gates on private ground adjacent thereto, and

shall again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate or gates, to be recovered by the said corporation, for the use thereof, before any justice of the peace, in an action of debt, with costs of suit.

14. *And be it enacted,* That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall, for every such offence, pay twenty dollars, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded.

15. *And be it enacted,* That the shares in said turnpike road shall be taken, deemed, and considered as personal property, and be transferred in such manner as the directors shall appoint; *Provided*, that if the said company shall not commence making the said road within five years after the passing of this act, and shall not within two years thereafter complete one half of said road, or within the term of five years complete the whole of said road, according to the true intent and meaning of this act, then, and in either of these cases, this act shall cease and be of no effect.

Shares personal property.

To be completed in five years.

16. *And be it enacted,* That all drivers of carriages, sleighs, or sleds, of all kinds, and all persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds, on the right hand of the said road, while passing each other, leaving the other side of the road free and clear for other carriages and persons on horseback to pass; and if any person shall offend against this provision, such person, beside being liable for all damages, shall forfeit and pay the sum of two dollars to any person or persons who shall be obstructed in their passage, and will sue for the same—to be recovered in an action of debt, with costs of suit, in any court where the same may be cognizable.

Travelling regulations.

17. *And be it enacted,* That at the end of every ten years an account of the expenditures of said road, and the profits arising therefrom, shall be laid before the legislature, and after the expiration of ninety-nine years from the passing of this act, the said road shall become the property of the state of New-Jersey, and be under the control of the legislature thereof, any thing in this act contained to the contrary notwithstanding.

Account to be laid before the legislature, &c.

C. Passed November 22, 1825.

**AN ACT to authorize the laying out a public road over  
the lands belonging to this State, at Paterson.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the surveyors of the highways are authorized to lay out a public highway, not more than four rods wide, over that part of the state land at Paterson, situate below said town, and next to the Passaic river, to commence with High street, and lead thence to said river, any thing in the act passed the third day of November, eighteen hundred and fourteen, entitled, "An act to prevent public or private roads being laid out or opened on or through lands belonging to this state," to the contrary notwithstanding.

C. Passed November 23, 1825.

**AN ACT to incorporate the Paterson and New-Antrim Turnpike Company.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Garret W. Hopper, Isaac I. Bogert, John Ward, John A. Van Voorhies, James L. Ackerman, Peter B. Westervelt, Brant Van Blarcom, and Philemon Dickeyson, be authorized to receive subscriptions for erecting a turnpike road, four rods wide, to begin at or near the town of Paterson, at the Bergen county line, on the north-east side of the Passaic river, and running thence, in as straight a course as the nature of the ground will admit of, through the townships of Saddle River and Franklin, to such place at or near the point where the boundary line between the states of New-Jersey and New-York intersects the Franklin turnpike at its northern termination, near the house of Christian A. Wanmaker, in Franklin township, in the county of Bergen, as the commissioners herein after appointed shall think most equitable and just, having due regard to the situation and nature of the ground, and the interest of the stockholders.

Width of the road, and course thereof.

Capital stock,  
shares, &c.

**2. And be it enacted,** That the capital stock of said company shall not exceed four thousand dollars, for each mile of said road; that the capital stock shall be subscribed in shares of twenty-five dollars each, and that one dollar and fifty cents shall be paid on each share at the time of subscribing—and, as soon as two hundred shares shall be sub-

scribed, the said Garret W. Hopper, Isaac J. Bogert, John Ward, John A. Van Voorhies, James L. Ackerman, Peter B. Westervelt, Brant Van Blarcom, and Philemon Dicker-  
son, shall call a meeting of the stockholders, to be held at Pat-  
erson, after four weeks notice being given in a newspaper  
printed in Paterson, to choose five directors, designating one  
of that number, who shall be president, three of whom shall  
be a board to transact business, and a treasurer, to continue  
in office until the first Tuesday in May then next ensuing, on  
which day, and also on the first Tuesday in May, annually  
thereafter, there shall be a choice of officers for one year,  
at such place as the stockholders shall, at their last meet-  
ing, have appointed; that each stockholder may vote in per-  
son or by proxy, and shall have one vote on each share,  
until the number of ten, and one vote for every five shares  
thereafter; that the said president and directors shall be  
called and known by the name of "The President and Di-  
rectors of the Paterson and New-Antrim Turnpike Com-  
pany," and shall have all the powers, rights, and privileges  
incident to a body politic and corporate for the purposes  
herein mentioned, for the term of ninety-nine years; and  
also, that they and their successors, by the same name and  
style, shall be, in law, capable of suing and being sued,  
and of purchasing, holding, and conveying any estate, real  
or personal, for the use of said company: *Provided*, that the  
real estate so to be holden shall be such only as may be requi-  
site to promote and attain the objects of this incorporation,  
and may be relative thereto; which objects are hereby  
declared to be—the erecting and maintaining a good and  
sufficient turnpike road from Paterson to the place afore-  
said.

Officers chosen  
annually.

Manner of vot-  
ing, &c.

Style of the  
corporation.

Powers, privi-  
leges, &c.

3. *And be it enacted*, That the president and directors aforesaid shall have the power to appoint the time and place  
of all their meetings, and to appoint all such agents and  
servants as they shall deem necessary for carrying into  
effect the powers vested by this act in said company; and  
if any vacancy or vacancies shall at any time happen in  
the said office of president, or among the directors, by  
death, removal, resignation, or otherwise, such vacancy or  
vacancies shall be filled, for the remainder of the year in  
which they may happen, by such person or persons as the  
directors for the time being, or a majority of them, may  
appoint; and that the said president and directors may  
make such by-laws and regulations relative to their con-  
cerns as they may deem expedient: *Provided* the same shall  
not be repugnant to the constitution and laws of this state  
or of the United States, or the provisions of this act; which  
ordinances, by-laws, and regulations, together with all ac-  
counts, shall be submitted to the stockholders, at their an-  
nual meetings.

Vacancies to be  
supplied.

By-laws.

**4. And be it enacted,** That Charles Board, James R. Commissioners, Mullany, and Robert W. Rutherford, be commissioners to lay out a turnpike road, to begin at or near the town of Paterson, at the Bergen county line, on the north-east side of the Passaic river, and running thence, in as straight a course as the nature of the ground will admit of, through the townships of Saddle River and Franklin, to such place at or near the point where the boundary line between the states of New-Jersey and New-York intersects the Franklin turnpike at its northern termination, near the house of Christian A. Wanmaker, in Franklin township, Bergen county, as they shall think most equitable and just, having due regard to the situation and nature of the ground, public convenience, and the interest of the stockholders; said road shall not pass through or cross over any burying-ground, or place of worship, or dwellinghouse, without the consent of the owner or owners thereof, in writing; nor shall it pass through any outbuilding, of the value of three hundred dollars, without such consent; and the said commissioners, or a majority of them, shall, within six months thereafter, cause an accurate survey of the line of said road, and a map or plot of said survey, to be correctly laid down on a scale of four inches to the mile, and certify the same under their hands, which they shall file in the secretary's office of this state, to be entered of record in the said office;—a certified copy of said record shall be sufficient evidence of said road—and all reasonable charges by the said commissioners, for time and expenses, shall be paid by said company, and the said commissioners shall, before they enter upon the duties of their office, take and subscribe an oath or affirmation, to perform the same without favor or partiality, which oath or affirmation shall also be filed in said office.

**5. And be it enacted,** That in the middle of said road shall be formed a space, or artificial road, not less than twenty-eight feet in breadth, which shall be raised in the middle at least fifteen inches, and decrease to the sides thereof, so as to form a gradual arch, and shall form a firm and even surface, so as to secure a good and sufficient road at all seasons of the year; and said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part shall rise above four degrees on a parallel with the horizon; and that the said directors shall cause good and sufficient bridges to be erected, where necessary on the line of said road, to be constructed not less than twenty feet in breadth, which road and bridges shall be kept in good and sufficient repair by said company; and in case they shall not be so kept, said corporation shall be liable to be proceeded against, as in the case of overseers of the highways for neglect of duty; and when the said road, in passing over low grounds, is raised so much at the mar-

Good road and  
bridges to be  
made, and kept  
in good order.

gin, or side of the travelling path, as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

6. *And be it enacted,* That, in addition to the provision contained in the preceding section, if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace in the county where the cause of complaint may arise, who may be disinterested, the said justice shall immediately appoint, by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, or either of said townships, which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as the said justice may appoint, and, having taken the oath or affirmation to act impartially, shall proceed to examine the said road so complained of, and report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately, in writing, under his hand and seal, order the keeper of said gate to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the justice to open said gate, exact toll from travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person that will prosecute for the same, in an action of debt, with cost of suit; and the said justice shall be allowed for his services fifty cents, and the persons so appointed, one dollar each, to be paid by the turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view said road, and report, as aforesaid, their opinion to said justice, who shall, if authorized by the report of said persons, or any two of them, by license, under their hands and seals, directed to the tollgatherer, permit the gates to be shut, and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint; and, in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the manner above described, one or more respectable freeholders in the township or townships, who may be disin-

Infringement of  
the preceding  
section, how to  
be rectified.

terested, to serve in the place and stead of any member or members of the township committee so disqualified.

Commissioners,  
their power, &c.

7. *And be it enacted*, That full power and authority be given to the said commissioners, and the said corporation, and to their agents and servants, and all persons employed by or under them, for the purpose contemplated in this act, from time to time, to enter upon and make use of any land which shall be deemed necessary for laying out or making the said road, and for carrying into effect the objects of this law, and also to carry away stone, gravel, or sand for the use of said road, subject always to make compensation for all damages thereby occasioned, either by agreement of the said parties, or by the judgment of independent men, chosen by the said company and the person who shall have sustained such damages, or as is herein after mentioned.

Grievances,  
how to be re-  
dressed.

8. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby, and not having settled the same agreeably to the provisions of the seventh section of this act, and it shall be lawful for such owners to meet at New-Antrim, on thirty days notice being given, by advertisement, set up in four of the most public places in the townships through which the said road may run, and also in the Paterson newspaper and one of the newspapers printed in New-York, to choose six respectable freeholders in the county of Bergen, not interested, and the said corporation shall also choose six respectable freeholders in said county, not interested; which twelve persons shall, after having taken an oath or affirmation to act impartially and to the best of their knowledge, three-fourths of them agreeing, determine, at the expense of the turnpike company, the amount of compensation which shall be paid by the said company to such of the applicants, respectively, as they shall conceive to be injured; on which payment the said company shall become seized of the same estate in the lands, tenements, and hereditaments, which the owner or owners held in the same; but if the owner or owners of any land through which the road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case twelve freeholders, chosen as above, or three-fourths of them, do not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon the application of either party, and at the cost and charges of the said corporation, to direct a special jury of the freeholders of any of the townships of said county through which the said road shall not run, to be struck before such justice, in the manner such juries are usually struck, who shall view, examine, and survey

the said lands, tenements, and hereditaments, and estimate the injury or disadvantages sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the Supreme Court by the sheriff of the county of which said inquisition was taken; and it shall be the duty of such sheriff to attend, with his book of freeholders, at such place as the said justice shall appoint, upon ten days notice being given him, for the purpose of striking said jury, and also, upon like notice, to have said jury upon the premises at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled to such fees for their services as are allowed by law in the cases of special juries; and, upon the coming in of such report or inquisition, and the confirmation thereof by the court, and the said directors paying the owners, respectively, the sum mentioned in such report, in full compensation for said lands, tenements, and hereditaments, privileges and appurtenances, or for the injury sustained as aforesaid, as the case may be; and, upon such payment, the said company shall become seized in the same estate, in the lands, tenements, and hereditaments aforesaid, which the said owner held in the same, and which they shall have taken possession of and paid for, as aforesaid; and they, and all who have acted under them, shall be freed and acquitted from all responsibility for and on account of such injury: *Provided*, that females covert, persons under age, and non compos mentis, shall not bear any part of the expenses: *Provided also*, that the payment, or security for the payment and damages aforesaid, for lands through which the said road may be laid out, to the satisfaction of the person or persons, be made before the company, or any person under their direction or in their employ, enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained in writing.

Compensation,  
how to be made.

Proviso.

9. *And be it enacted*, That it shall and may be lawful for the said directors to call and demand from the stockholders, respectively, all such sum or sums of money by them subscribed, at such time and in such proportion as they shall see fit, not exceeding five dollars on each share at any one time, under pain of forfeiture of their shares, and all previous payments made theron to the said company.

Shares, how for-  
feited.

10. *And be it enacted*, That as soon as the said company shall have completed said road, then it shall be lawful for the directors to give notice to the governor, or the person administering the government of the state, who shall forthwith nominate and appoint three commissioners, who shall, at the expense of the corporation, view the same, and re-

Governor to ap-  
point commis-  
sioners to in-  
spect the road,  
&c.

Gates erected  
and toll collect-  
ed:

port to him, in writing, whether the said road has been executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, by license under his hand, to permit the said directors to erect turnpike gates across the said road, subject to be removed at pleasure, and to demand and receive toll at the same, for each mile of said road, after the following rates, viz.

For every score of sheep, hogs, or calves, one cent,  
and so, in proportion, for a greater or less number.

For every score of cattle, horses, or mules, two cents,  
and so, in proportion, for a greater or less number.

For every sleigh or sled, drawn by one beast, one cent;  
for every additional beast, one cent.

For every horse and rider, or led horse or mule, one cent.

For every carriage drawn by one beast, one cent;  
for every additional beast, one cent.

And it shall be lawful for every tollgatherer to stop any person or persons leading or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes until they shall have respectively paid their toll, as above specified: *Provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person or persons passing with their horses or carriages to or from public worship, or any person to or from any mill to which he may resort for the grinding of grain for his family's use, or persons passing to or from a funeral, or any person passing to or from his common business on his farm, or any militiaman passing to or from training on a muster day appointed by law.

11. *And be it enacted*, That no tollgate shall be erected, or any obstructions placed on such part of said road as is at present a public highway.

12. *And be it enacted*, That before said company shall receive toll for travelling said road, they shall cause milestones, or posts, or iron slabs, to be erected, and continue one for each and every mile, and on each stone, or post, or iron slab, shall be legibly marked the distance the said stone, or post, or iron slab, is from Paterson, and shall cause to be fixed, and always to be kept up, at the gate or gates aforesaid, in some conspicuous place, a printed list of the rates of tolls which may be lawfully demanded, and also a board, on which shall be printed, in large letters, "Keep to the right, as the law directs."

13. *And be it enacted,* That if any person shall wilfully break down or deface any of the mile-stones, posts, iron slabs, or rates of tolls, so erected on said road, or shall wilfully cut, break down, destroy, or otherwise injure, any gates, turnpikes, or bridges, that shall be erected in pursuance of this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation, to their use, with costs of suit; and if any person shall, with his team, carriage, or horses, turn out of said road to pass a gate or gates on private ground adjacent thereto, and shall again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate or gates, to be recovered by the said corporation, for the use thereof, before any justice of the peace, in an action of debt, with costs of suit.

14. *And be it enacted,* That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall, for every such offence, pay twenty dollars, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered or defrauded.

15. *And be it enacted,* That the shares in the said turnpike road shall be taken, deemed, and considered as personal property, and be transferred in such manner as the directors shall appoint: *Provided*, that if the said company shall not commence making the said road within five years after the passing of this act, and shall not within two years thereafter complete one half of said road, or within the term of five years complete the whole of said road, according to the true intent and meaning of this act, then, and in either of these cases, this act shall cease and be of no effect.

Shares personal property.

To be completed in five years.

16. *And be it enacted,* That all drivers of carriages, sleighs, or sleds, of all kinds, and all persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds, on the right hand of the said road, while passing each other, leaving the other side of the road free and clear for other carriages and persons on horseback to pass; and if any person shall offend against this provision, such person, beside being liable for all damages, shall forfeit and pay the sum of two dollars to any person or persons who shall be obstructed in their passage, and will sue for the same—to be recovered in an action of debt, with costs of suit, in any court where the same may be cognizable.

Travelling regulations.

Account to be  
laid before the  
legislature, &c.

17. *And be it enacted*, That at the end of every ten years an account of the expenditures of said road, and the profits arising therefrom, shall be laid before the legislature, and after the expiration of ninety-nine years from the passing of this act, the said road shall become the property of the state of New-Jersey, and be under the control of the legislature thereof, any thing in this act contained to the contrary notwithstanding.

C. Passed November 26, 1825.

**A SUPPLEMENT** to an act entitled, "An act to authorize the Governor of this State to incorporate a company for erecting a Bridge over the river Delaware, at or near Trenton," passed March the third, one thousand seven hundred and ninety-eight.

Penalty for driving faster than a walk, &c.

Proviso.

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons to drive any kind of carriage, wagon, cart, sled, or sleigh, or ride any horse or mule over the Trenton Delaware Bridge at a gait than a walk, or to cut, break, deface, or injure the said bridge, or any part thereof, or to smoke any pipe or segar thereon, or to carry fire thereon for any other purpose except that of lighting the lamps, and every person wilfully so offending shall forfeit and pay to the president, managers, and company of said bridge the sum of twenty dollars, to be recovered by action of debt with costs of suit, in any court having competent jurisdiction thereof: *Provided always*, that this act shall not be construed to prevent any physician or midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or of the United States, or pursuing a fugitive from justice, runaway servant or apprentice, from driving or riding over said bridge at a faster gait than a walk.

C. Passed November 23, 1825.

**AN ACT to repeal an act therein named, and for other purposes.**

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled, "An act to incorporate the New-Jersey Protection and Lombard Bank," passed the twenty-ninth day of December, eighteen hundred and twenty-four, be, and the same is hereby repealed.

2. *And be it enacted*, That William Pennington, Peter Kean, and Caleb S. Riggs, or a majority of them, be, and they are hereby constituted and appointed trustees, with full power and authority to demand, sue for, collect, receive, and take into their possession, all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books of accounts, securities for money, evidences of debts, and all property of every nature and description belonging to the said New-Jersey Protection and Lombard Bank, at the time of the passing of this act, and to sell and convey all the personal estate of the said corporation, and pay into the Court of Chancery the moneys and securities for moneys arising from the sale of property, or otherwise, of the said company, to be disposed of under the order of the chancellor, equitably amongst the creditors of said company, first making to the trustees such reasonable compensation as he may deem just,

3. *And be it enacted*, That the said trustees, or any two of them, are hereby authorized and empowered to call to their assistance the sheriff of the county of Bergen, or other civil officer or officers, or other person or persons, citizens of this state, and to take immediate, and if necessary, forcible possession, of the banking house of the said company, and of any other property, real or personal, belonging to them in this state; and if the said trustees, or any two of them, shall suspect or believe that any property of said company is concealed in any dwellinghouse, or other place whatever, they are authorized to enter and search the same, and to take and remove the said property, if any shall be found; but if such dwellinghouse or other place, or any chest, trunk, or other receptacle of such property, or suspected so to be, shall be locked, it shall be the duty of the said trustees to demand admittance into such dwellinghouse or other place, or that such chest, trunk, or other supposed receptacle of such property shall be opened before they shall break open the same.

4. *And be it enacted*, That it shall be the duty of the said trustees, or a majority of them, as soon as they conveniently can, after taking possession of said property, to lay before the chancellor of this state a complete inventory of

the property of said bank, its nature and probable value, and an account of the debts due from the same, as far as they can be ascertained, and a duplicate statement shall be laid before the legislature, if then in session; and they shall also lay before the legislature an account of their proceedings in the premises at its next session, and at every future session until the business hereby intrusted to them shall be closed.

C. & A. Passed November 23, 1825.

*Bank, &c.*

*Authorized to confer degrees.*

**A FURTHER SUPPLEMENT** to the act entitled, "An act to incorporate the Medical Society of New-Jersey."

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all physicians who have heretofore been presidents of the Medical Society of New-Jersey, the physician who now is, and all physicians who may hereafter be presidents of said society, shall rank as fellows of the Medical Society of New-Jersey, and be entitled to all the rights and privileges (for life) of delegated members.

2. And be it enacted, That the Medical Society of New-Jersey (including both fellows and delegates) are hereby authorized to institute regulations, which shall again be approved by a majority of the whole number of fellows, acting separately, according to which regulations the said Medical Society of New-Jersey may confer the degree of Doctor of Medicine.

A. & C. Passed November 24, 1825.

**AN ADDITIONAL SUPPLEMENT** to "An act for the preservation of sheep," passed the ninth day of June, eighteen hundred and twenty.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the fourth and sixth sections of the act to which this is a supplement, shall hereafter extend to, and be in force in the counties of Sussex and Warren.

*2. And be it enacted,* That so much of the act entitled, "A supplement to the act entitled, an act for the preservation of sheep," passed the sixteenth day of November, eighteen hundred and twenty, as contravenes this act, or declares, that the said fourth and sixth sections of the act to which this is a supplement, shall not extend to, or in any manner affect the county of Sussex, be, and the same is hereby repealed.

A. Passed November 28, 1825.

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**A FURTHER SUPPLEMENT** to the act entitled, "An act to issue commissions for the examination of witnesses, and to take their depositions in certain cases," passed the eighteenth day of February, one thousand seven hundred and ninety-nine.

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if a material witness in any action, suit, or controversy, in any of the Orphans' Courts of this state, reside out of this state, or, if in this state, be ancient or very infirm, or be sick, or bound on a voyage, or about to go out of this state, it shall and may be lawful for the said court in which such action, suit, or controversy is depending, on affidavit or proof thereof to the satisfaction of said court, and upon motion made by or in behalf of either party in open court, and upon such terms as such court shall direct, to award and issue, under the seal of the said court, a commission to such person or persons as the said court may think fit, authorizing such person or persons to proceed in taking such depositions, in the same manner as is directed in the act to which this is a supplement, for commissioners appointed by the Supreme Court; and every thing therein contained respecting taking depositions to extend in as full and ample a manner, in all cases, to the several Orphans' Courts of this state as is therein directed to the Supreme Court.

C. Passed November 26, 1825.

**A SUPPLEMENT** to an act entitled, "An act to ascertain the times and place of holding the Court of Appeals," passed the twenty-ninth day of January, one thousand seven hundred and ninety-nine.

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the word *two*, in the proviso of the second section of the act to which this is a supplement, be, and the same is hereby repealed, and the word *one*, be substituted therefor.

**A. Passed November 30, 1825.**

**AN ACT** to amend an act entitled, "An act to incorporate the Weehawk Banking Company," passed the twenty-eighth day of December, in the year of our Lord one thousand eight hundred and twenty-four.

**1. BE IT ENACTED**, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the "Weehawk Banking Company," located at Weehawk, to change the name and location of their incorporation to the "Washington Banking Company," and to be located at Hackensack, in the county of Bergen, and by that name, and with that location, to be hereafter called and known in all places, and in all matters and things, wheresoever and whatsoever, any thing in the said act hereby amended to the contrary thereof notwithstanding.

**2. And be it enacted**, That all the clauses, sections, and provisions of the act hereby amended, shall be and remain in force, and apply to the said "Washington Banking Company," (except only as the same may be repugnant to this act) in all respects as if the said "Weehawk Banking Company" had been originally created under the said name of the "Washington Banking Company."

**A. Passed November 30, 1825.**

**AN ACT to incorporate "The Salem Steam-Mill and Manufacturing Company," in the county of Salem.**

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That William N. Jeffers, Daniel Garrison, Morris Hancock, James Newell, Joseph Kille, Samuel Clement, John Tuft, Thomas Cave, Thomas W. Cattell, Daniel L. Miller, and David B. Smith, be, and are hereby appointed commissioners to receive subscriptions for a capital stock of fifty thousand dollars, to be employed solely in the manufacturing of cotton, wool, or flour; and such subscriptions shall be received at such times, in such places, and under such regulations as the said commissioners, or a majority of them, shall direct; and the subscribers to the capital stock shall be, and they and their successors and assigns are hereby made and declared to be a corporation and body politic, by the name of "The Salem Steam-Mill and Manufacturing Company," and by that name shall have continual succession; may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and to purchase, have, hold, and receive, possess, retain, and enjoy, to them and their successors and assigns, lands, tenements, hereditaments, goods, chattels, and effects of any kind, nature, or quality whatsoever, and the same from time to time to sell, grant, demise, alien, or dispose of at pleasure, to make by-laws, not contrary to the laws and constitution of this state or of the United States, and also to appoint such officers, agents, and servants as shall be necessary, and to allow them such compensation as shall be right and proper, which, together with all other expenses, shall be defrayed out of the corporation fund.

Style of incorporation, powers, privileges, &c.

2. And be it enacted, That the capital stock of the said corporation shall consist of fifty thousand dollars, divided into shares of twenty-five dollars each; and every person subscribing to the said capital stock shall, at the time of his subscription, pay to the commissioners five dollars on each and every share of the said capital stock, and the residue of the said capital stock shall be paid, by the several and respective subscribers, into the hands of the treasurer of the said corporation.

Amount of capital stock, &c.

3. And be it enacted, That the affairs, property, and concerns of the said corporation shall be conducted by five directors, to be chosen annually by the stockholders; and when twenty-five thousand dollars of the said capital stock shall be subscribed, the commissioners, or a majority of them, shall call a meeting of the stockholders, by giving ten days public notice in a newspaper printed in this state,

Directors to be chosen annually &c.

**Vacancies, how to be filled.**

circulating in the county of Salem, for the purpose of organizing the said company and electing five directors, who shall serve for one year, or until others shall be elected; and the stockholders shall annually thereafter, on the same day, meet and elect directors of the said corporation. Should a vacancy at any time happen among the directors, by death or otherwise, the remaining directors shall elect, by ballot, a director to fill such vacancy until the next annual election; and the said directors shall, as soon as convenient after their election, assemble and choose by ballot one of their members as president.

**Duties of directors, &c.**

4. *And be it enacted,* That the board of directors for the time being shall have power to elect a president and appoint a treasurer, and all such other officers, agents, and clerks, to employ such workmen, artificers, manufacturers, and laborers as shall be necessary for carrying on the steam-mill in the town of Salem, and erecting the manufactory to be connected therewith, and executing all the powers by this act granted to the said corporation.

**Quorum.**

5. *And be it enacted,* That the president shall preside at all meetings of the directors, and, in case of sickness or absence, his place may be supplied by any other director whom the directors present may nominate; two directors, of whom the president shall be one, may form a board for the transaction of the ordinary concerns of the company. The stated meeting shall be held at such times as may be ordained by the by-laws of the company.

**Judges of election, &c.**

6. *And be it enacted,* That, for the well ordering and conducting of the election first to be held, the commissioners shall appoint three persons, who shall be judges of election, and annually thereafter the electors shall appoint three persons to be judges of election, who shall conduct the same. Stockholders shall and may vote either in person or by proxy, and each stockholder shall be entitled to one vote for each share of the capital stock by him, her, or them held in the said corporation. The capital stock of the said company shall be transferable upon the books of the said company, agreeably to the by-laws; which books shall be open to the inspection of the stockholders at all times.

**Power of directors.**

7. *And be it enacted,* That the directors shall have power to exact and take from their officers and agents bonds and security, in such sums as they shall deem proper for the faithful execution of their duties, and for the due and faithful performance of their contracts.

**Capital stock to be deemed personal estate, &c. but no part thereof, to be divided, &c.**

8. *And be it enacted.* That the capital stock of the said corporation shall be deemed personal estate, and dividends of so much of the profits of the said corporation, as shall appear advisable to the directors, shall be made and paid to the stockholders at such stated periods as the directors shall determine, but no part of the capital stock shall be

divided during the continuance of this charter; and in case they shall divide any part of the capital stock, as aforesaid, the directors under whose administration it shall happen shall be liable for the same, in their natural and private capacities, and an action of debt may be brought against them, their heirs, executors, and administrators, in any court of record in this state, by any stockholder or creditor of said company, any condition or agreement to the contrary notwithstanding; and such of the said directors who may have been absent, or may have dissented from the resolution declaring the same, may exonerate themselves from being so liable, by forthwith giving public notice of the same to the stockholders.

9. *And be it enacted,* That the said directors of the said corporation shall take of "The Salem Banking Company" the steam-mill belonging to the said company, in the town of Salem, with the steam engine and the lands and tenements, buildings, wharves, and improvements thereunto belonging, at a price to be agreed upon by the directors of the said corporations; and if the said corporations cannot agree upon the price or value of the same, then the said corporations shall respectively choose each a disinterested and impartial person, which said two persons shall choose a third judicious person, and the three thus chosen shall proceed to value the said steam-mill, premises, and improvements aforesaid, and shall report to each company their valuation in writing, and thereupon the directors of the company hereby incorporated shall pay the amount of the said valuation to "The Salem Banking Company," or shall duly make and execute, under their common seal, and deliver to "The Salem Banking Company" a mortgage upon the said premises, upon such terms and conditions as may be agreed upon by the directors of the said corporations respectively.

10. *And be it enacted,* That the funds hereby created, or intended to be raised by the said steam-mill and manufacturing company, shall not, in any way whatever, either directly or indirectly, be applied, used, or employed in banking operations; but shall be exclusively appropriated for the purposes herein designed, of working and manufacturing cotton, or wool, or flour, according to the true intent and meaning of this charter.

11. *And be it enacted,* That the said company shall be allowed to take and receive, for the grinding of grain, the toll allowed by law, and no more.

12. *And be it enacted,* That this act shall be and continue in full force, for and until the first day of January, in the year of our Lord one thousand eight hundred and forty-six.

C. & A. Passed November 30, 1825.

**AN ACT to dissolve the marriage contract between Selah Covill and Eliza his wife.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.** That the marriage of Selah Covill and Eliza Covill be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony: *Provided*, that any issue had of the said marriage, shall not be by this act rendered illegitimate.

C. Passed November 17, 1825.

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**AN ACT to dissolve the marriage contract between Richard H. Mount and Susan Mount his wife.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the marriage contract between Richard H. Mount, of the county of Middlesex, and Susan his wife be, and the same is hereby declared to be dissolved to all intents and purposes whatsoever; and the said Richard H. Mount and Susan his wife, are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony.

C. Passed November 25, 1825.

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**A SUPPLEMENT to the act entitled, "An act relative to Queen's College."**

WHEREAS the trustees of Queen's College, in New-Jersey, have represented to the legislature, that certain amendments to their charter would be conducive to their convenience—and, moreover, requesting that the name by which said Institution is known may be changed—  
THEREFORE,

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the trustees of said college be, and they are hereby authorized to hold their annual commence-

ment for the Institution over which they preside, on such day and at such time as they may think proper to appoint for that purpose, any thing in their charter of incorporation contained to the contrary notwithstanding.

2. *And be it enacted*, That the said trustees be, and they are hereby authorized to meet for the transaction of any business, either upon adjournment or otherwise, upon such day and at such time or times as they may appoint, without the necessity of advertising such meeting in any public newspaper, as heretofore, any provision in their charter of incorporation contained, or of any supplement or amendment thereto, to the contrary notwithstanding.

3. *And be it enacted*, That the name of "Queen's College," in their charter of incorporation contained, be, and the same is hereby changed to that of "Rutgers College," and that the said corporation shall, from and after the passing of this act, be known and designated by the name and style of "The Trustees of Rutgers College in New-Jersey": *Provided nevertheless*, that nothing in this act contained shall be construed to affect or in any wise impair any contract, specialty, deed, mortgage, or other instrument of writing heretofore made, had, or given to, by, or from the said "Trustees of Queen's College in New-Jersey."

C. Passed November 30, 1825.

**AN ACT** to enable the General Synod of the Reformed Protestant Dutch Church to take, hold, and convey real estate in the state of New-Jersey.

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the General Synod of the Reformed Protestant Church, as a corporate body of the state of New-York, and their successors, shall be, and they are hereby enabled to take real estate within this state, either by devise, descent, or purchase, and to hold and dispose of the same, in like manner as natural born citizens; and the title to any lands, tenements, or hereditaments heretofore devised to, or purchased, or acquired by them, or which may hereafter be devised to, or purchased, or acquired by them and their successors, shall not be impeached or defeated by reason of their being a corporation of the state of New-York, but the same is hereby declared to be vested in the said General Synod of the Reformed Protestant Dutch

**Church and their successors, in like manner as real estate is vested in natural born citizens of this state: Provided always, that the annual value of the same shall not exceed twenty thousand dollars.**

**C. Passed November 30, 1825.**

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**A SUPPLEMENT to an act entitled, "An act to authorize Conrad Konnight, the father of Martin Konnight, deceased, to fulfil a certain contract for the sale of land made by the said Martin Konnight with James Lincrom," passed December first, one thousand eight hundred and twenty-four.**

**WHEREAS it appears, that since the passing of the said act to which this is a supplement, the said Conrad Konnight executed and tendered to the said James Lincrom a deed of conveyance under the authority of the said act, but that the said James Lincrom refused to receive the said deed, and pay the consideration money, and that the said James Lincrom has since absconded from this state, and the said contract remains unfulfilled—THEREFORE,**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That if the said James Lincrom shall neglect or refuse, for the term of three months from the first day of January next ensuing the passing of this act, to comply with the requisitions of the first (and only) section of the act to which this is a supplement, that then (and in such case) it shall and may be lawful for the said Conrad Konnight to sell and convey the said lot of land to any person or persons whatsoever, and to execute sufficient conveyances for the same, and to apply the proceeds of such sale towards the payment of the debt due to the said Peter Perry: Provided however, that if no purchaser or purchasers can be obtained by the first day of May next ensuing the passing of this act, that then (and in such case) the title of the said lot of land and premises shall be vested in the said Conrad Konnight, on his paying and discharging the said debt due to the said Peter Perry, subject however to the proviso of the said first section of the act to which this is a supplement.**

**C. Passed December 1, 1825.**

**AN ACT to establish a new township in the county of Bergen, to be called the township of Lodi.**

**1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same.** That all that part of the township of New-Barbadoes, in the county of Bergen, which lies within the boundaries and description following, to wit: beginning at the mouth of Saddle river, where it empties into Passaic river, on the easterly side thereof, and thence up the middle line of said Saddle river to the easterly end or foot of a bridge across the Saddle river, and on the road leading from Passaic river aforesaid to Hackensack; thence down along the middle line of said road until it intersects the Pollify road near the house of Stephen Demarest; and from thence, in a straight line, to the westerly corner of the Bergen turnpike bridge across the Hackensack river, near what was formerly called Little Ferry; thence down along the Hackensack river to the Newark bay; thence along said bay and line of the county of Bergen, to the mouth of Passaic river; thence up the said Passaic river, on the boundary line of the county of Bergen, to the mouth of Saddle river, and place of beginning, shall be, and hereby is set off from the said township of New-Barbadoes, in the county of Bergen, to be called and known by the name of the township of Lodi: *Provided*, that this act shall not take effect and be in force until from and after the first day of March next, and not before.

**2. And be it enacted,** That the inhabitants of the township of Lodi are constituted a body politic and corporate in law, and shall be styled and known by the name of "The Inhabitants of the township of Lodi, in the county of Bergen," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities as the inhabitants of the other townships in the said county of Bergen, are or may be entitled or subject to by the existing laws of this state.

**3. And be it enacted,** That the inhabitants of the township of Lodi shall hold the first town-meeting at the inn of John Kip, in the said township of Lodi, on the day appointed by law for holding the annual town-meetings in the other townships in the county of Bergen.

**4. And be it enacted,** That the town-committees of the townships of New-Barbadoes and Lodi shall meet on the Monday next after the annual town-meetings in the said townships of New-Barbadoes and Lodi, at the inn of Mrs. Jane Campbell, in Hackensack, at ten o'clock in the forenoon, and shall there and then proceed, by writing, signed

by a majority of those present, to allot and divide between the said townships, all property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits, at the last assessment; and the inhabitants of the township of Lodi shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the town-committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

A. Passed December 1, 1825.

**A FURTHER SUPPLEMENT** to an act entitled, "An act to empower the Governor of this State to incorporate a company to improve the North Branch of Rancocas Creek," passed March sixteenth, one thousand seven hundred and ninety-five.

Preamble.

WHEREAS John Black, Anthony S. Earle, and others, have by their petition set forth, that the company incorporated in pursuance of the provisions of the above act, did proceed to improve the navigation of the said creek, by the erection of several locks, but, before the same were completed, they were abandoned and given up, and the locks so erected have been suffered to decay and rot down, and that the said petitioners, among whom are the owners of all the mills and iron-works upon the said creek, and many of the original stockholders of the said company, are of opinion that the said creek might be improved at a small expense, without the least injury to private property, and that the advantages to be derived therefrom, not only to those that own property upon the said creek, but to the public generally, will be very great, by opening a safe and easy water communication of upwards of thirty miles through the centre of the county of Burlington; and further, that the said company have ceased to act, or make any improvement whatever for the last twenty-five years, and in fact have abandoned the same; and that the said charter has been forfeited by non-user, and praying the legislature will incorporate a new company with the same or similar powers granted in the former act, to improve the navigation of the North Branch of Rancocas Creek; which appearing to be true  
—THEREFORE,

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Black, Anthony S. Earle, Samuel W. Budd, John Dobbins, and Abraham Brown, or any three of them, be, and they are hereby appointed commissioners to do and perform the several duties hereafter mentioned, that is to say: they, or any three of them, shall and may, on or before the first day of May next, procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed do promise to pay unto the president and managers for the improvement of the North Branch of Rancocus Creek, forty dollars for every share of stock in the said company, set opposite our respective names, in such manner and proportions, and at such times as shall be determined by the said president and managers, in pursuance of an act of the legislature of New-Jersey entitled, "An act to empower the governor of this state to incorporate a company to improve the navigation of the North Branch of the Rancocus Creek, and the several supplements thereto;" and that for that purpose they are vested with all the powers and authority given to the commissioners named in the act to which this is a supplement, and are directed to proceed in the same manner, perform the same duties, and be subject to the same penalties and liabilities.

Commissioners,  
their duties, &c.

**2. And be it enacted,** That all and singular the several sections contained in the act to which this is a supplement, and of the act entitled, "A supplement to the act entitled, an act to empower the governor of this state to incorporate a company to improve the navigation of the North Branch of Rancocus Creek, passed February twenty-sixth, one thousand seven hundred and ninety-six," be, and the same are hereby revived and continued in full force and effect, as if the said company had not forfeited their charter by non-user, and that when the governor of this state shall issue his letters patent pursuant to the provisions of the second section of the act to which this is a supplement, the president, managers, and company, for the improvement of the navigation of the North Branch of Rancocus Creek, shall be vested with all the powers, privileges, and franchises given by the act to which this is a supplement, and subject to all the pains, penalties, limitations, and restrictions created thereby, and may do and perform all acts and things prescribed thereby, in as full and ample manner, to all intents and purposes, as if the said charter had not been forfeited by non-user.

Former act re-  
vived, &c.

**3. And be it enacted,** That so much of the act to which this is a supplement as is repugnant hereto, be, and the same is hereby repealed.

What part of  
the original act  
repeated.

C. Passed December 3, 1825.

**AN ACT to incorporate the Rahway Steam-Boat Company.**

**1. BE IT ENACTED,** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Alstone Marsh, Henry Mundy, Joseph O. Lufberry, Jacob Flatt, and Jonathan B. Marsh, and such other persons as hereafter shall be associated with them, and their successors and assigns, be, and they hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of the "Rahway Steam Boat Company," for the term of twenty years from and after the first day of May next; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of "The Rahway Steam-Boat Company," shall, in law, be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, and real or personal estate whatsoever, necessary for the objects of this corporation.

**2. And be it enacted,** That the capital stock of the said incorporation shall not exceed twenty thousand dollars; that the stock of said company shall be deemed and considered personal property; and that nothing herein contained shall authorize and empower the said company to carry on banking business, or to use, or to employ their funds, or any part thereof, or to permit the same to be used or employed in the purchase of the stock of any bank in the United States, or any other public stock, or for any other purpose, or in any manner whatsoever, not herein expressly authorized.

**3. And be it enacted,** That the capital stock of the said company shall be divided into four hundred shares, of fifty dollars each, and that a book to receive subscriptions for the same shall be opened at the house of Smith Freeman, in Rahway, on Tuesday the third day of January next, by Alstone Marsh, Jacob Parker, and Henry Mundy, who are hereby appointed commissioners for that purpose, they first giving four weeks notice of the time, place, and purpose of opening such book, in the "Advocate" newspaper, published at Rahway. If more than four hundred shares should be subscribed on the said third day of January, the same shall be deducted ratably and proportionably from the per-

Style of the  
company, pow-  
ers, and privi-  
leges.

Amount of capi-  
tal stock, &c.

Restrictions.

Number of  
shares.

Books to be  
opened.

sons who have subscribed, according to the number of shares they have subscribed, as near as may be; and if a less number than four hundred shares should be subscribed on the said third day of January, the commissioners above named may open the book at such other time and place as they may deem proper, on giving two weeks notice thereof in the "Advocate" newspaper aforesaid.

Commissioners  
to advertise.

**4. And be it enacted,** That the first payment to be made on each share of stock in the said company, shall be five dollars, to be paid to the commissioners at the time of subscribing; and that the remaining forty-five dollars on each share shall be called for in such instalments, and at such times, as the directors of the said company may determine, they giving three weeks notice in the New-Jersey Advocate, or any other paper published at Rahway, and one newspaper published in the city of New-York; and a failure by any stockholder to pay any instalment so called for by the directors, shall forfeit the share or shares on which such failure has taken place, and all previous payments made thereon, to the said company, and for their use.

Shares may be  
forfeited.

**5. And be it enacted,** That the capital stock of this company, or so much thereof as shall be deemed necessary, and as shall be called in, shall be employed and vested in the purchase or building of one or more steam-boats, and in their repair and navigation to and from some suitable landing place on Rahway river to New-York, and in the purchase, repair, and building of suitable landing places, wharves, and storehouses, and for such other purposes as may be indispensably necessary to the establishing a safe and convenient steam-boat navigation between some of the upper landings on Rahway river and the city of New-York.

Capital stock  
may be employ-  
ed in building  
steam-boats, &c.

**6. And be it enacted,** That annual dividends of the profits arising from the investment and employ of the capital stock of this company shall be made; but no dividend shall be made to impair or lessen the capital;

**7. And be it enacted,** That this company shall be under the government of five directors, to be chosen annually by the stockholders at a general meeting; the first choice of directors to be made at a general meeting of the stockholders, to be called by the commissioners within two weeks after the stock is subscribed, upon public notice being given, and the directors to appoint the time and place of the next annual meeting; and also, to appoint their own president, secretary, and treasurer, and such other officers and servants as the business of the company may require; and the directors so chosen, or a majority of them, and their successors in office shall have power, from time to time, to

Five directors  
to be chosen an-  
nually.

make, constitute, ordain, and establish all by-laws, rules, and regulations for the transacting of the business of the said company, and the better regulation and government thereof; not repugnant to the constitution and laws of the United States, or of this state, or the provisions of this act. All contracts and responsibilities entered into on the part of the said company, by the directors, or a majority of them, and signed by their president, shall be binding on the said company, in like manner as any contract would be if made and entered into by any individual.

8. *And be it enacted*, That immediately upon the appointing of a treasurer by the board of directors, as is provided for in the preceding section, the commissioners above named shall pay over to the said treasurer the amount of subscription money received by them, and hand over to the president the subscription book and any other books, papers, and memorandums relative to the business of the said company; and forthwith their duties as commissioners shall cease.

9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of account of all the transactions of the company; which books, together with the stock and transfer books, shall at all times be open to the inspection of the stockholders.

**Books of account to be kept at their office, and be always accessible to the stockholders.**

C. Passed December 3, 1825.

### AN ACT for the relief of Durey Bromley, and others.

#### Preamble.

WHEREAS it is represented to this legislature, that Abijah Dodd, and Mary his wife, of the county of Essex, did by deed, bearing date the first day of February, one thousand eight hundred and six, sell and convey unto Durey Bromley, and Thomas Oakes, certain real estate, situated in the township of Bloomfield, in the said county of Essex, in the said deed mentioned and particularly described; which deed is recorded in book L of deeds of said county, in pages three hundred and thirty-three, three hundred and thirty-four, three hundred and thirty-five, and three hundred and thirty-six; and also that the said Abijah Dodd, and Mary his wife, did, by deed bearing date the eleventh day of September, one thousand eight hundred and ten, sell and convey unto the said Durey Bromley, and Thomas Oakes, certain other real estate, situated in the township of Bloomfield aforesaid, and the same is recorded in book R of deeds for said county, in pages five hundred and fourteen, five hundred and fifteen, and five

hundred and sixteen ; and also that Joel Williams, administrator of Jotham Williams, deceased, of the said county, did, by deed bearing date the fifteenth day of October, one thousand eight hundred and eleven, sell and convey unto the said Durey Bromley, and Thomas Oakes, certain other real estate, situated in the township aforesaid, in the said deed mentioned and particularly described ; which deed is recorded in book T of deeds for said county, in pages one hundred and ninety-seven, and one hundred and ninety eight ; and whereas the said Durey Bromley, and Thomas Oakes, by virtue of the said deeds, held the said real estate therein described as joint-tenants, and the said Thomas Oakes, having since died, all the said real estate has become vested in the said Durey Bromley as the survivor ; and whereas Jotham Williams did, by deed bearing date the twentieth day of April, eighteen hundred and ten, convey unto the said Thomas Oakes, certain real estate situated in the township aforesaid, in the said deed mentioned and described ; which deed is recorded in book R of deeds for said county, in pages five hundred and thirteen, and five hundred and fourteen. *And also,* that Nathan Squire, did, by deed bearing date the twelfth day of September, one thousand eight hundred and eighteen, convey to the said Thomas Oakes, certain other real estate, situated in the township aforesaid, particularly mentioned and described in the said deed, which is recorded in book K 2, of deeds for said county, in pages one hundred and two, and one hundred and three ; and whereas the said Thomas Oakes hath died intestate, leaving five infant children, his heirs at law—to wit : David Oakes, Joseph Kingsland Oakes, Sarah Oakes, John Oakes, and Mary Oakes, to whom the real estate herein before mentioned, as conveyed to the said Thomas Oakes has descended ; and whereas the said Durey Bromley, and Thomas Oakes, were equally interested in the acquisition and purchase of all the said real estate, and equally possessed and enjoyed the same until the death of the said Thomas Oakes, and it was intended that they should be entitled to equal undivided moieties thereof ; but the legal title to the said premises by reason of the death of the said Thomas Oakes, is vested in such a manner, that partition thereof cannot be made, but by the interposition of the legislature.—**THEREFORE,**

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the right, title, interest and estate, in and to the lands, tenements, hereditaments, and premises described and conveyed to the said Durey Bomley, and Thomas Oakes, or to the said Thomas Oakes, by the sev-

eral deeds of conveyance in the preamble to this act, mentioned and referred to, be and the same is hereby vested in the said Durey Bromley, and the said David Oakes, Joseph Kingsland Oakes, Sarah Oakes, John Oakes, and Mary Oakes, that is to say: the one equal moiety thereof in the said Durey Bromley, his heirs and assigns, and the remaining equal undivided moiety thereof in the said David Oakes, Joseph Kingsland Oakes, Sarah Oakes, John Oakes, and Mary Oakes, their heirs and assigns, as tenants in common — saving and reserving nevertheless, the right, title, claim and demand of every other person to the same, or any part thereof.

C. Passed December 8, 1825.

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AN ACT to authorize the chosen freeholders of the county of Monmouth, to build a bridge over the North branch of Neversink river.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the chosen freeholders of the county of Monmouth, or a majority of them, to erect, or cause to be erected, a good and convenient bridge over the North branch of Neversink river, beginning at or near the house of Samuel Hubbard, esquire, commonly called Smock's Point, or near the house of Josiah Vanscoick, or from Joseph Smith's Point, to the opposite shore.

2. And be it enacted, That when the said board of chosen freeholders, or a majority of them may think the said bridge necessary, and shall order the same to be erected, they shall also order a draw to be made in the said bridge, of sufficient width so as to admit of the easy passage of such vessels as usually navigate said river, and the same to be under such regulations, as they, or a majority of them may think will be most accommodating to the public.

C. Passed December 8, 1825.

**A SUPPLEMENT to an act entitled, "An act to empower the Governor of this State to incorporate a company to cut a canal to shorten the navigation of Salem creek; in the county of Salem and state of New-Jersey, passed November seventeenth, one thousand eight hundred.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the corporate name of the said company shall be, and is hereby altered and changed into "The Salem Creek Canal Company," by which name they shall sue and be sued, plead and be impleaded, and shall possess all the powers and privileges granted to the said company by the said act, under the name of "The President, Managers, and Company to cut a Canal to shorten the navigation of Salem creek, in the county of Salem, and state of New-Jersey."

The corporate name altered.

**2. And be it enacted,** That after the next annual meeting of the said company, the annual meetings shall be on the first Monday in May, at such place as shall be fixed on by the rules of the said company, at their annual meeting.

Privileges of the company.

**3. And be it enacted,** That when the said company shall have so far completed the said canal, as that the water can be conveyed through the same from the creek to the river Delaware, then they may enter upon the lands and marsh vested in the said company, and dig and remove the earth and mud, and make banks, dams, and other waterworks, obstruct, and stop the creek below the said canal, in such manner as to force the water through the said canal: *Provided* the navigation of said creek shall not thereby be obstructed sooner than the twenty-fifth day of December, and shall be open and free for the passage of sloops and other craft, on or before the first day of March, in each and every year, until the said canal shall be sufficiently open for a vessel drawing five feet water to pass from Salem creek to the river Delaware.

Conditions on which a road may be laid.

**4. And be it enacted,** That when said dam, bank, or other waterworks shall have been made and completed across said creek, it shall not be lawful for the surveyors of the highways of the county of Salem to lay any road, either public or private, over the said dam, bank, or other waterworks, or any of them, unless a fair and equitable purchase be first made from the said company by the persons who may apply for such road.

**5. And be it enacted,** That the said company may purchase land not exceeding two acres, at the place where the road now leading from Salem to Pedricktown crosses said canal,

and that it may be lawful for them to locate the bridge to be built over said canal at that place, instead of the place where the said road formerly crossed the canal ; and in case the president and managers of the said company cannot agree with the owner or owners for said land, that a jury may be struck and summoned to value the said lands, in the mode prescribed in the act to which this is a supplement ; and on the said company paying to the owner or owners the sum at which the jury shall value the said lands, or bring the same into the office of the clerk of the Supreme Court, the said company shall be entitled to the said lands, to hold them, and their successors for ever.

Struck jury to  
value land, &c.

Managers to be  
chosen annual-  
ly.

Treasurer, &c.  
to give bond.

Proviso.

6. *And be it enacted*, That the said company may, at their annual meeting, choose, by ballot, ten managers, with such other officers as they shall think necessary to conduct the business of the company, who shall hold their respective offices for one year, and until others are elected in their place ; and in case of vacancy in any of said offices by death, resignation, or otherwise, it shall be the duty of the president and managers, at a meeting to be called by the president for that purpose, to fill up said vacancy.

7. *And be it enacted*, That the president and managers of said company may require and take from the treasurer and collectors, and other officers, if they think necessary, bonds, with such security as they may approve, conditioned for the faithful performance of the trust reposed in them respectively, and for the payment over to their successor or successors all moneys which shall or may be in his or their hands, and for the delivery over to the president and managers of said company of all books, vouchers, and other papers and things belonging to said company : *Provided ne- vertheless*, that nothing in this act contained shall be construed to affect, or in any wise impair, any writing, contract, agreement, or liability whatsoever, heretofore made, had, or given, by, to, or from "The President, Managers, and Company to cut a Canal to shorten the navigation of Salem creek, in the county of Salem, and state of New-Jersey."

C. & A. Passed December 5, 1825.

**AN ACT to incorporate the Reliance Fire Engine Company of Salem.**

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Samuel Clement, Hedge Thompson, Thomas Sinnickson, Edward Smith, and James Vainwright, and all such other persons not exceeding seventy-five, as now are, or hereafter shall become associates of the Reliance Fire Engine Company of Salem, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Reliance Fire Engine Company of Salem," and by such name they shall have succession, and be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of jurisdiction whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such by-laws and regulations for their government, not inconsistent with the laws of this state or of the United States, as they shall think proper.

Style of the company, powers, and privileges.

**2. And be it enacted,** That the capital stock of the said company shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire-hooks, engine houses, and other implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow townsmen from injury or destruction by fire.

Amount of capital stock, &c.

**3. And be it enacted,** That the said company shall have power to elect annually a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their constitution, and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successor.

Election.

**4. And be it enacted,** That it shall be lawful for the Council and General Assembly of this state, at any time hereafter to amend, repeal, or modify this act as they shall think fit.

**C. Passed December 6, 1825.**

**AN ACT to incorporate "The Allowaystown Manufacturing Company."**

Preamble.

WHEREAS Josiah M. Reeve, Stacy Lloyd, Samuel Kean, Israel S. Read, John Powell, and others, associated under the name and style of "The Allowaystown Manufacturing Company," by their petition presented to the legislature, have prayed to be incorporated as a company and body corporate.—AND WHEREAS it appears to the legislature that the granting of this act will protect and encourage American manufacturers, and stimulate the laudable enterprize of said company, and enable them to compete with foreign manufactures, and thereby be conducive to public good—THEREFORE,

Style of the incorporation, powers, and privileges.

1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as shall become stockholders of said company, and their successors, he, and they are hereby created a body corporate and politic, by the name of "The Allowaystown Manufacturing Company," for the sole purpose of manufacturing cotton, wool, or flax, and by that name, they and their successors shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and they and their successors may have a common seal, and make, change, and alter the same at pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandise whatsoever, that may be necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and for no other purpose; and also, that the president and directors of said company for the time being, or a majority of them, shall have power to make, establish, and enforce such by-laws, rules, and regulations, from time to time, as they may deem necessary for the government of said corporation: Provided such by-laws, rules, and regulations shall not be repugnant to the constitution and laws of the United States or of this state.

2. And be it enacted, That the stock, property, and concerns of the said company, shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year from the first Tuesday of October in every year; and that the said directors shall be elected on the last Tuesday of September

in every year, at such time and place as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more of the newspapers printed nearest the place where such election shall be held; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of the said company, and the persons having the greatest number of votes, being stockholders, shall be the directors; and if it shall happen, at any election of directors, that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorized to vote at such elections, shall proceed to ballot a second time, and, by plurality of votes, determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed, in like manner, to elect, by ballot, one out of their number to be their president, and shall also, at the same time, elect a secretary to the company; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, resignation, removal, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, or a majority of them, shall appoint; and that the first directors shall be, Josiah M. Reeve, Stacy Lloyd, Samuel Kean, Israel S. Read, and John Powell, who shall hold their offices until the first Tuesday in October, one thousand eight hundred and twenty-six.

3. And be it enacted, That the capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of twenty-five dollars each; but it shall nevertheless be lawful for the said company, when, and so soon as twenty-five thousand dollars of the said capital stock shall have been subscribed and paid for, to commence their said business, and with that capital conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders and all pre-

Annual election  
to be previously  
advertised.

To vote by bal-  
lot for directors.

Vacancies, how  
filled.

Amount of capi-  
tal stock, &c.

Stockholders  
may forfeit, &c.

ous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published, for that time, in one or more public newspapers published in the county where such payment shall be required to be made.

**Capital stock personal estate.**

**Proviso.**

**Election, &c:**

**Books of account always to be accessible to the stockholders.**

4. *And be it enacted,* That the shares of capital stock of said corporation shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation: *Provided always,* that no dividends shall be made to and amongst the stockholders, except from and out of the profits of the said corporation: *And further provided,* that for all debts which, in case of the dissolution of the said corporation, shall then be due and owing by the said corporation, the stockholders for the time being shall be responsible, in their individual and private capacities, to the extent of their respective interests in the corporate property of the said corporation, and no further, in any suit or action to be brought or prosecuted after such dissolution of the said corporation.

5. *And be it enacted,* That in case it should at any time happen that an election should not be made on the day, that pursuant to this act, it ought to be made, the said corporation shall not be for that cause deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

6. *And be it enacted,* That no transfer of stock of the said company shall be valid or effectual until such transfer be entered or registered in a book or books, to be kept for that purpose by the directors of said corporation.

7. *And be it enacted,* That the directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the transactions of said corporation, which books shall at all times be open to the inspection of the stockholders of the said company.

8. *And be it enacted,* That the said corporation shall be located at or near Allowaystown, in the county of Salem.

9. *And be it enacted,* That the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

C. Passed December 6, 1825.

**AN ACT to regulate the fees to be paid in the discharge  
of insolvent debtors.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That in proceedings under the act of the legislature of this state entitled, "An act for the relief of persons imprisoned for debt," passed the eighteenth day of March, one thousand seven hundred and ninety-five, and the several supplements thereto, by any person or persons who now are, or who may hereafter be in confinement for debt in any of the jails in this state, applicants for the benefit of said act, the officers and persons in said act named shall be entitled to demand and receive of each insolvent debtor, for the services herein after mentioned, the following, and no other fees:—

To clerk, for filing and reading petition and schedule,	eighteen cents.
Administering every oath or affirmation,	eight cents.
To the court hearing the application,	one dollar.
Order of discharge, or signing the same,	thirty cents.
To clerk, drawing up assignment and discharge,	fifty cents.
Filing and recording the same,	forty-eight cents.
To cryer, for fees,	ten cents.
Certificate of clerk, under seal of office,	twenty-five cents.

**C Passed December 6, 1825.**

**AN ACT to provide for the safe-keeping of the records in  
the Surveyor-General's office of the Eastern and Western  
divisions of this State.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That William Irick, Joshua Sharp, and Joshua S. Earle, or any two of them, be, and they are hereby appointed commissioners, with the authority to purchase a convenient lot of land in the city of Burlington, the title whereof shall be vested in the state of New-Jersey, and to erect thereon a building, of materials not liable to be destroyed by fire, of such dimensions as may be necessary, for the safe-keeping of the records of surveys and other instruments of writing, maps, and drafts, belonging to the

office of the surveyor-general of the western division of this state.

2. *And be it enacted*, That a sum not exceeding six hundred dollars, be, and the same is hereby appropriated for the purpose of purchasing the said lot of land, and erecting thereon the building aforesaid, to be paid by the treasurer of this state, on warrant from the governor, out of any moneys in the treasury not otherwise appropriated.

3. *And be it enacted*, That as soon as the said building shall be completed, and notice thereof, in writing, given by the said commissioners, or any of them, to the surveyor-general of the said western division, it shall be the duty of the said surveyor-general to remove to the said building, all the books of record and papers belonging and appertaining to the office of surveyor-general of the said division, and to keep the same therein. And if the said surveyor-general shall neglect or refuse, for the space of thirty days after notice as aforesaid, to remove to the said building all the books of record and papers belonging and appertaining to his said office, he shall forfeit and pay, for each and every day he shall so neglect or refuse, the sum of fifty dollars, to be sued for and recovered by the treasurer of this state for the time being, for the use of the state.

4. *And be it enacted*, That James Parker, Oliver W. Ogden, and Charles Carson, or any two of them, be, and they are hereby appointed commissioners, with authority to purchase a convenient lot of land in Perth-Amboy, in the county of Middlesex, the title whereof shall be vested in the state of New-Jersey, and to erect thereon a building, of materials not liable to be destroyed by fire, of such dimensions as may be necessary for the safe-keeping of the records of surveys and other instruments of writing, maps, and drafts, belonging to the office of surveyor-general of the eastern division of this state, at Perth-Amboy.

5. *And be it enacted*, That the same appropriation, limitation, and restriction, as is set forth in the second and third sections of this act, be extended and enjoined upon the commissioners and surveyor-general of the eastern division of this state, as is enjoined on the commissioners and surveyor-general of the western division.

C. Passed December 6, 1825.

**AN ACT for the relief of Mrs. Hannah Kinney, widow of Abraham Kinney, late of the county of Essex, deceased.**

WHEREAS Doctor William Burnet, the father of the said Hannah Kinney, in the title of this act named, in and by his last will and testament, did devise a certain share or portion of his real and personal estate to the Reverend Doctor McWhorter, John Chetwood, and Elias Boudinot, esquires, the survivors and survivor of them, and the heirs of such survivor, in trust, to pay the rents, issues, and profits thereof, yearly and every year, to the sole receipt and order of the said Hannah Kinney, during her natural life, and it appearing that Mrs. Susan V. Bradford, heir-at-law of the said Elias Boudinot, deceased, with whom the trust now vests, is desirous of being relieved from said trust—THEREFORE,

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph C. Hornblower and William Pennington, of the county of Essex, be, and they are hereby substituted trustees, in the place and stead of the said Susan V. Bradford, of the real and personal estate so as aforesaid descended to her in trust, under the will of the said William Burnet, deceased; and the said Susan V. Bradford is hereby discharged from the said trusts; and the title of the said estates, real and personal, so held by her in trust, as aforesaid, is hereby vested in the said Joseph C. Hornblower and William Pennington, and the survivor of them, and the heirs of such survivor, in and upon the same trusts in the said will created and expressed.**

C. Passed December 3, 1825.

**AN ACT to divorce Thomas Whitenack from his wife Mary Whitenack.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the marriage of Thomas Whitenack, of the county of Somerset, and Mary Whitenack, be, and the same is hereby dissolved, annulled, and made of no effect, as fully, to all intents and purposes, as if they had never been joined in matrimony: Provided nevertheless, that the issue of such marriage shall be considered legitimate.**

C. Passed December 6, 1825.

**AN ACT to divorce Susan Chidester from her husband  
Stephen Chidester.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Susan Chidester be, and she is hereby divorced from her husband Stephen Chidester, and that the marriage contract heretofore existing between the said Stephen Chidester and Susan his wife, be, and the same is hereby dissolved, as fully as if they never had been joined in matrimony: *Provided nevertheless*, that the issue of said marriage shall not be deemed illegitimate.

**C. Passed December 7, 1825.**

**AN ACT to incorporate the "Union Fire Company of Salem," New-Jersey.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Josiah Miller, William T. Mulford, Oliver B. Stoughton, Jacob W. Mulford, Richard P. Thompson, William G. Beesley, John Patterson, William A. Baker, Sinnickson C. Tuft, John Corcoran, Isaac Z. Peterson, and all such other persons, not exceeding one hundred in number, as now are, or hereafter shall become associates of the Union Fire Company of the town of Salem, and their successors, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Union Fire Company of Salem."

Style of incorporation.

Its powers and privileges:

**2. And be it enacted,** That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever, and that they and their successors, respectively, may have and use a common seal, and have power to make, change, and alter the same at their pleasure, and, by their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such by-laws and regulations for their government, not inconsistent with the laws of this state or the United States, as they shall think proper.

*3. And be it enacted;* That the capital stock of said company shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines; and to such other incidental expenses as shall to the said company appear best calculated to secure the property of the citizens of Salem from injury or destruction by fire.

Amount of capital stock, and how to be applied.

*4. And be it enacted,* That the said company shall have power to elect annually a president out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their constitution; and that the said president shall keep in his custody the common seal of the said company, and, at the expiration of his term of office, shall deliver it over to his successor.

*5. And be it enacted,* That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

A. Passed December 7, 1825.

#### AN ACT for the better regulating of the fishing in Newark Bay, and in the Passaic and Hackensack rivers.

*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, no person or persons shall, at any time between the first day of April and the first day of June, set, affix, or fasten any net or nets, device or devices, in any part of Newark Bay, except on the easterly shore thereof, extending from the said shore not more than one-fourth of the way across, or which shall extend into the main channel running from the Hackensack river through the said bay, or in any wise to obstruct the navigation thereof.

*2. And be it enacted,* That no person or persons shall, within the time mentioned in the first section of this act, set, affix, or fasten, any net or nets, device or devices, in any part of the Passaic or Hackensack river, or on the bridge across said river, excepting along the shore of Hackensack river, and not to extend to more than one-fifth part of the width of said river, from the shore thereof.

3. *And be it enacted*, That nothing in this act contained shall be so construed as to prevent any person or persons from drawing or sweeping with seines or nets, as heretofore, or to authorize placing any obstructions contrary to the provisions of the foregoing sections of this act, in the rivers or bay aforesaid, which will interrupt the navigation thereof.

4. *And be it enacted*, That if any person or persons shall offend against the provisions of this act, he, she, or they, shall, on conviction thereof as aforesaid, pay the sum of twenty dollars for every such offence, to be sued for and recovered, with costs of suit, in any court having cognizance thereof, by an action of debt, by any person or persons who shall sue for the same, and to be applied to his or her own use, and, on conviction as aforesaid, if the owner or owners shall not, as soon as can be thereafter, remove the said net or nets, device or devices, so fixed contrary to this act, it shall be lawful for any person, or persons, for his, her, or their own use, to take and remove the same: *Provided* the same be done without violence, and not contrary to the peace of this state.

5. *And be it enacted*, That all and every act or acts, and every part of an act heretofore passed and coming within the purview, and contrary to the provisions of this act, be, and the same is hereby repealed.

A. Passed December 7, 1825.

**AN ACT** to revive the act entitled, "An act to authorize a turnpike road to be made from Deckertown, in the county of Sussex, to the Delaware, nearly opposite to Milford, in the state of Pennsylvania," passed November twenty-eighth, one thousand eight hundred and nine.

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act entitled, "An act to authorize a turnpike road to be made from Deckertown, in the county of Sussex, to the Delaware, nearly opposite to Milford, in the state of Pennsylvania," passed November twenty-eighth, in the year of our Lord one thousand eight hundred and nine, be, and the same is hereby revived, re-enacted, and continued in full force, the same as if it were passed section by section, excepting such alterations as shall be herein after made.

**2. And be it enacted,** That the said turnpike road shall be made and completed within six years from the passing of this act, or the privileges hereby granted shall cease and be void.

**3. And be it enacted,** That the proviso in the fifth section of the act hereby revived, be, and the same is hereby repealed.

C. Passed December 7, 1825.

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**AN ACT** for the protection of the minor children of persons who abscond or absent themselves from this State.

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That if any citizen of this state has, or shall hereafter abscond or absent himself from this state for the term of two years, leaving, in this state, any child or children under the age of twenty-one years, without any competent and suitable provision for their maintenance and education, it shall and may be lawful for the Orphans' Court of the county where such child or children reside, on application of the said child or children, or of his, her, or their next of kin, to appoint a guardian for such child or children, in the same manner as guardians are now appointed by said court, and to vacate, annul, and revoke said appointment, as the said court shall see occasion; which guardian shall have the same authority over the said child or children as guardians have in other cases, until the revocation of his or her authority as aforesaid, notwithstanding any right or claim of authority of the said parent; and may lawfully do all acts for the maintenance and education of the said child or children, and the disposition of his or her time and services which the said parent could lawfully do,

C. Passed December 7, 1825.

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**AN ACT** to incorporate "The Neptune Fire Company of Bridgeton," in the county of Cumberland.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Doctor William Elmer, Doctor Isaac H.

**Hampton, Doctor Ephraim Buck, John Sibly, esquire, David Lupton, esquire, William Bevan, Oliver Lindsay, Timothy Elmer, James B. Potter, R. H. Merscelles, J. D. Westcott, junior, L. M'Brude, Hiram Paul, Jacob N. Woodruff, A. M'Calla, L. H. Jarmon, Joseph Riley, William Brown, R. B. Potter, James Riley, and William Riley, and all such other persons as shall hereafter become and continue members of the corporation hereby created, be, and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact, in name, and in law, by the name of "The Neptune Fire Company of Bridgeton," and by such name, they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever, and may have a common seal, and may change, alter, and renew the same at pleasure, and by the same name shall be, and are hereby made capable in law, under the said common seal, of making, entering into, and executing any contracts or agreements touching and concerning the objects of said corporation, and of purchasing, holding, and conveying any such estate or property, real or personal, for the use of said corporation, as is herein after specified; and shall have full power and authority to make, form, adopt, and establish such by-laws, for their good government, not inconsistent with this act, or the other laws or the constitution of this state, or the laws or constitution of the United States, as they shall think proper.**

**Amount of capital stock, &c.**

**2. And be it enacted, That the capital stock of said corporation shall not exceed the sum of three thousand dollars, and shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, wells, pumps, ladders, fire-hooks, buckets, and implements, apparatus, machines, and houses in which to keep the same, and to such other incidental expenses as shall to the said corporation appear best calculated to secure or save the property of the inhabitants of the town of Bridgeton, aforesaid, and its vicinity from injury or destruction by fire: Provided, that this act shall not be construed to prevent said corporation from receiving, holding, or disposing of and conveying any other estate or property, either real or personal, which may be devised, or otherwise given to said corporation, for their use, as aforesaid, or such as shall have been bona fide pledged, mortgaged, sold, conveyed to it by way of security for contracts, or in full or in part satisfaction for debts previously contracted in the effecting, by the said corporation, of the objects of the same, or of damages or costs which may be due to them**

for or on account of any trespass upon, or injury to, the property or rights of said corporation, committed or done by any person or persons, or by any body politic or corporate: *Provided also,* that said real or personal estate, so held, shall not at any time exceed the annual value of one thousand dollars.

3. *And be it enacted,* That at no time shall the members of said corporation consist of more than fifty persons to each engine furnished with fifty buckets, and thirty persons to each hose carriage with one hundred feet of hose; or such other machines, implements, or apparatus aforesaid equivalent thereto, all of which shall be owned, possessed, and kept in good order by said corporation, and be ready for use in case of fire at Bridgeton or in its immeditate vicinity, and to work and manage the same.

*Members not to exceed fifty.*

4. *And be it enacted,* That the said corporation shall have power to elect annually, on the first Saturday in January in each year, (and for which purpose the members thereof shall meet at such place in Bridgeton as may be designated, according to the by-laws of said corporation, at three o'clock in the afternoon of said day, in each year) one president, one secretary, and one treasurer, and such other officers as the said members may deem necessary for conducting the affairs of said corporation according to the by-laws, out of the said members, in such manner as may be provided by the said by laws, who shall serve the ensuing year; and in case of vacancy, by the death, removal, resignation, or expulsion, of any officer, or otherwise, during the said term, the said members may elect, at such time and in such manner as may be designated by the by-laws of said corporation, any other member to fill the same in his place, for the remainder of said term.

*Election, &c.*

5. *And be it enacted,* That the first meeting of said corporation shall be on Saturday, the seventh day of January next, at the courthouse in Bridgeton, at two o'clock in the afternoon, at which time and place the persons above named, or such of them as shall then and there attend, shall elect the officers aforesaid for the year succeeding that day, and shall also adopt such by-laws as they may deem necessary, in doing which a majority of the persons above named shall govern; and no alteration or amendment to said by-laws shall be afterwards made, nor any part of the same annulled or suspended, except with the consent of three-fourths of the members of said corporation, which number shall be present at the meeting of said corporation when the same shall be proposed for adoption, and vote for the same.

*By-laws may be made.*

6. *And be it enacted,* That each and every member of said corporation shall pay the sum of one dollar, annually, to *Annual payment.* said corporation, for its use as aforesaid, at such time and

**Fines, &c.** in such manner as may be designated by the by-laws thereof, and also such other taxes and assessments as may be levied or assessed by said corporation, and also such fines as shall be imposed by said corporation, as herein after mentioned: *Provided however,* that the said taxes and assessments shall be levied and assessed upon every member of said corporation equally; and also, that no such taxes or assessments shall be made except for the purposes aforesaid, and then only at the annual meeting on the first Saturday in January, in each year, and with the consent of, at least, three-fourths of the members of said corporation, which number shall be then present at such meeting, in order to assess or levy the same.

**Powers, &c.** 7. *And be it enacted,* That the said corporation shall have power to expel, and thereby deprive any member of his privileges, and his interest and right in the property, funds, and estate of said corporation, or impose a fine upon any member who shall be guilty of any violation of the by-laws of said corporation, in such manner as may be prescribed by said by-laws: *Provided however,* that the fines against one member of said corporation shall not exceed the sum of five dollars annually, nor shall any fine be imposed upon any member, except in the manner prescribed by the by-laws, nor shall any member be expelled as aforesaid, except by the votes of two-thirds of the other members of said corporation, which number shall be present, and vote for his expulsion.

**Minors, how admitted, &c.** 8. *And be it enacted,* That no person shall be a member of said corporation who is under the age of sixteen years, nor shall any person be a member thereof who is under the age of twenty-one years, without the consent, in writing, of his parents, master, or guardian, annexed to his application for admission as a member, in which case said parent, master, or guardian, shall be liable for the payment of his annual dues for the fines, taxes, and assessments, taxed, assessed, and imposed as aforesaid, so long as the said person continues a member of said corporation, and is under the age of twenty-one years: and no person shall be a member of said corporation who is not a resident of Bridgeton or its immediate vicinity; and in case any person who shall be a member shall remove therefrom, to reside permanently, his privileges, as a member, shall cease from the day of his removal, but he shall, nevertheless, be subject to the payment of his arrears due the corporation.

**No shares to be transferred.** 9. *And be it enacted,* That no member shall transfer, sell, alien, or convey his share, right, interest, or property, or any part of such share, right, interest, or property, of, in, or to any of the funds, property, or estate, of any kind, of the said corporation, to any person whatsoever; and all

such sale, alienation, transfer, or conveyance is hereby declared to be utterly void, and in case any member should be expelled as aforesaid, or remove away, or cease to reside at Bridgeton or in its immediate vicinity, or die, or withdraw from being a member of said corporation, all the right, interest, property, and estate of said member in the funds, property, and estate of said corporation shall revert to the said corporation, and vest and be in the other remaining members of the said corporation, for the uses aforesaid.

10. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit. May be repealed.  
ed.

C. Passed December 7, 1825.

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#### AN ACT for the manumission of Robert Gumber.

WHEREAS it is represented, that Robert Gumber, a colored man, by occupation a blacksmith, formerly the slave of Isaac Auten, deceased, late of the township of Bridgewater, and county of Somerset, served a term of years agreed upon between them, a part of the term with his said master, and a part, viz. five years, with Tunis Van Middlesworth, of the same place, and thereby became entitled to his freedom: and as there appears, at this time, no competent authority to manumit him—THEREFORE,

*BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Robert Gumber be, and he is hereby emancipated from the bonds of slavery, and shall be deemed and adjudged to be free; and the estate of the said Isaac Auten, deceased, is hereby exonerated and acquitted from all costs and charges which may arise for the support of the said Robert Gumber.

A. Passed December 8, 1825.

**A SUPPLEMENT** to the act entitled, "An act to incorporate the Orange and Sussex Canal Company," passed the tenth day of December, eighteen hundred and twenty-three.

Time for opening books extended.

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the time for opening the books of subscription for the capital stock of the company intended to be created by the act to which this is a supplement, be, and the same is hereby enlarged and extended unto the first day of April, eighteen hundred and twenty-eight, within thirty days whereafter the said books shall be finally closed; and it shall be lawful for the commissioners appointed by and under the said act, after continuing the said books open for the space of two days, either finally to close the same, or to adjourn and postpone all subscriptions in the said books for such length of time, within the time above limited, as they in their discretion shall think expedient.

A. Passed December 8, 1825.

**A SUPPLEMENT** to the act entitled, "An act to repeal an act therein named, and for other purposes," passed the twenty-third day of November, one thousand eight hundred and twenty-five.

WHEREAS doubts have arisen touching the powers and duties of the trustees in the second section of the said act named, in respect to the collection of the debts, and enforcing performances of the contracts, claims, and demands existing in favor of the late New-Jersey Protection and Lombard Bank, at the time of the passing of the act above mentioned, and also in respect to the liquidation and settlement of lawful debts, contracts, and demands existing against the said bank, at the period aforesaid; and inasmuch as it was the intention of the said act to preserve uninjured and unimpaired all the then existing rights and responsibilities, whether in favor of or against the said bank—THEREFORE,

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the trustees in the second section of the said act named, are, and from the time of the passing

of the said act, shall be deemed and taken to have been vested as trustees for the creditors of the said bank, and the stockholders thereof existing at the time of passing the said act, with all the estate, real and personal, in law and equity, and with all the credits, rights in action, debts, and demands whatsoever, lawfully belonging to, or vested in the said bank at the time of the passing of the said act, and to hold the same for the uses and purposes in this act and in the act hereby explained and amended, declared and expressed, and with power and authority, whenever they shall deem it proper, to institute suits at law and in equity, in their own names, as trustees of the creditors and stockholders of the New-Jersey Protection and Lombard Bank, for the recovery of any estate, debts, rights in action, damages, and lawful demands, whatsoever and wheresoever existing in favor of said bank, at the time of the passing of the act aforesaid, or accruing subsequent thereto upon any contract then existing, and with power and authority, in their discretion, to compound and settle with any debtors of the said bank, or with persons in any way responsible, in law or equity, to the said bank, at the time of the passing of the act aforesaid, upon such terms, and in such manner as they shall deem just and beneficial, under all the circumstances, to the persons interested in the funds and property of the said bank; and in case of mutual dealings between the said bank and any other person or persons prior to the passing of the act aforesaid, to allow of set-offs in favor of such persons in all cases in which it shall appear to them that the same ought to be allowed according to law or equity.

2. *And be it enacted*, That all moneys to be received by suit, or upon liquidation and settlement, or compromise, as aforesaid, after deducting all just and reasonable costs, charges, and expenses attending the recovery or settlement of the same, or the prosecution of such suits, or any of them, and all other just and reasonable costs and charges attending the execution of this trust (the same being previously allowed by the chancellor) shall be paid into the court of chancery, to be distributed as is provided in and by the act hereby explained and amended.

3. *And be it enacted*, That all the powers and duties created or enjoined by this act and the act hereby explained and amended, may be exercised by a majority of the said trustees who shall act in the premises, and by the survivors or survivor of them, in case of the death of one or more of the said trustees before the said trust shall be completed and ended.

4. *And be it enacted*, That in all suits now pending in any court of law or equity in the name of the said bank, by their corporate name, it shall be lawful for the said

courts, and they are hereby directed, on application of the said trustees, to cause the said trustees to be substituted as plaintiffs in such suits, in the place and stead of the said bank.

C. & A. Passed December 8, 1825.

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**AN ACT to incorporate the New-Jersey Delaware Oyster Company.**

Preamble.

WHEREAS it has been represented to this legislature, that there are certain clam and oyster banks and beds in the Delaware river and bay, and other places within the bounds of the county of Cumberland, belonging to this state—AND WHEREAS it is also represented, that the resident citizens of this state derive but little benefit or advantage therefrom, in consequence of the great waste, injury, and destruction of the same by the citizens of our neighboring states, in violation of the existing laws, made for the protection thereof—AND WHEREAS it appears to this legislature, that the granting of an act of incorporation to our own resident citizens will be the means of effectually protecting the said clams and oysters from further injury or encroachment, and stimulate them to embark in an enterprise so laudable, and conducive to public good, and calculated to confine at home a source of wealth which is now carried into other states—THEREFORE,

Style of incorporation.

Their powers, privileges, &c.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same. That all such persons, being resident citizens of this state, as shall become stockholders to the capital stock herein after named, their successors and assigns, are, and shall be hereby constituted and made a body politic and corporate, by the name and style of “The New-Jersey Delaware Oyster Company,” and by that name shall be known in law, and have power to sue and be sued, plead and be impleaded, answer and be answered unto, and to defend and be defended, in all courts and places whatsoever and wheresoever, in all manner of actions, suits, complaints, matter, or causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name of “The New-Jersey Delaware Oyster Company,” shall, in law, have, hold, possess, use, and enjoy the exclusive right, benefit, and emolument of the said

clam and oyster banks and beds within the bounds or jurisdiction of the said county of Cumberland, and all the clams and oysters now growing, or hereafter growing or being thereon, for and during the limitation of this act, (with the exception herein after named) and to gather and take the said clams and oysters from the banks and beds aforesaid, and make sale thereof to any and every person or persons wishing to purchase the same, or otherwise dispose thereof, or convert to their own use, as they and their successors may think proper, and be capable, in law, of purchasing, assigning, transferring, or conveying any lands, tenements, and hereditaments, canoe, flat, scow, lighter, boat, or other vessel, clam-rakes, oyster-rakes, tongs, tackle, furniture, and apparel, or any other real or personal estate whatsoever, necessary for the objects and benefit of this corporation; and to make by-laws, not contrary to law, or the constitution of this state, or the United States, or contrary to the provisions of this act; and, also, to appoint such officers, agents, and servants as shall be from time to time considered necessary to conduct and carry on the business of said corporation, and to allow them such compensation as shall be right and proper, which, together with all other expenses, shall be defrayed out of the corporation fund.

*2. And be it enacted,* That nothing herein contained shall be so construed as to prevent any person or persons whomsoever, being resident citizens of this state, from gathering and taking clams and oysters from the banks, waters, and beds aforesaid, for his or their own consumption, or for sale: *Provided* such sale or sales are made to any person or persons, to be consumed in said state: *And provided also*, that the same is caught, gathered, or taken at such time, and in such manner, as is prescribed by the act entitled, "An act for the preservation of clams and oysters," which last proviso is also to extend to said company.

Resident citizens—their privileges.

Proviso.

*3. And be it enacted,* That Jonathan Dollas, John E. Jeffers, Nathan Leake, Benjamin Thompson, and Seth Lore, or a majority of them, be, and are hereby authorized to open books, one day at Port-Elizabeth, one day at Cedarville, one day at Bridgeton, and at such other place or places as they, or a majority of them, may or shall appoint, to receive subscriptions to the capital stock of said company, giving notice, for at least six weeks, in two or more newspapers, printed in this state, and circulating in the counties of Salem, Cumberland, and Cape-May, of the time and place when such books will be open; that the capital stock of said company may be, at present, ten thousand dollars,—and if at any time hereafter the said company shall deem it beneficial to their interests, and that of the public, to extend their capital, the said capital may be in-

Commissioners  
to open books,  
&c.

Amount of capital stock may be extended.

**Instalments—  
how and when  
to be paid.**

creased as much as may be deemed necessary, not, however, to exceed fifty thousand dollars: that a share of said stock shall be ten dollars—and every person subscribing to said capital stock, shall, at the time of his subscription, pay to the commissioners one dollar on each and every share of the said capital stock, and the residue of the said capital stock shall be paid by the several subscribers, or their legal representatives or agents into the hands of the treasurer of said company, at such time, and in such instalments as the directors of said corporation shall require, giving at least four weeks notice in two or more newspapers, printed in this state, and circulating within the counties of Cumberland, Salem, and Cape-May, of the time and place at which such instalment is to be paid; failure of the payment at the time and place mentioned in such notice, or within ten days thereafter, of any instalment due on any share, shall incur a forfeiture of such share, and all previous payments made thereon, to the use of said corporation.

**Capital stock  
deemed personal  
property.**

**Proviso.**

**Organization of  
said company,  
&c.**

4. *And be it enacted,* That the capital stock of said company shall be deemed personal property, and that the original subscription to the capital stock of said corporation, by subscribers, shall not exceed twenty shares each, and be confined to resident citizens of this state; but that all shares of the capital stock of said company shall and may be transferable to and by resident citizens of this state, and them only, according to such rules, and subject to such restrictions and conditions as the by-laws shall ordain; but all debts due or payable to the company, by such stockholder, shall be satisfied before such transfer shall be made: *Provided nevertheless,* that if the said capital stock of ten thousand dollars be not all subscribed by individuals, at the rate of twenty shares each, or a less number, on or before the third day the books may or shall have been kept open for that purpose, then and in that case each and every person or persons, being resident citizens of this state, may subscribe to such number of shares as the commissioners, or a majority of them, shall determine, in order to complete the capital stock of said company, which said subscriptions to stock, as mentioned in this section, may be in person or by proxy; and in case the capital stock be hereafter extended, the directors, or a majority of them, may take subscription of stock in manner aforesaid, as prescribed by the commissioners, they advertising the same as directed by the third section of this act.

5. *And be it enacted,* That when the whole of the said capital stock of ten thousand dollars shall be subscribed, the commissioners, or a majority of them, shall call a meeting of the stockholders, by giving at least four weeks notice of the time and place of such meeting, in two or more news-

papers printed in this state, and circulating in the counties of Cumberland, Salem, and Cape-May, for the purpose of organizing said company, and electing nine directors, who shall serve for one year, or until others shall be elected; and the stockholders shall annually thereafter, on the same day, meet and elect directors of the said corporation. Should any vacancy at any time happen among the directors, by death or otherwise, the remaining directors, convened at any succeeding stated meeting, may elect, by ballot, a director to fill such vacancy until the next annual election; and the said directors, so elected, shall assemble on the Monday succeeding their election, and choose, by ballot, one of their number as president, who shall serve for one year.

Vacancies, how to be filled.

*6. And be it enacted,* That the board of directors, for the time being, shall have power to elect a president, and appoint a treasurer, and all other officers, agents, and clerks, and to employ such workmen, mariners, and laborers, as shall be necessary for the security of said clams and oysters, building of canoes, scows, boats, flats, lighters, and other vessels, working, manning, and sailing the same, and all other persons necessary to perform and execute the business of said corporation, and to allow them such compensation for their services, respectively, as they may deem reasonable, and shall be capable of exercising such other powers and authorities, and of making, revising, altering, or annulling all such by-laws and regulations for the government of the company, and that of their officers and affairs, as they, or a majority of them, may from time to time think expedient and beneficial to the institution, not contrary to the provisions contained in this act.

Board of directors, their powers, &c.

*7. And be it enacted,* That five directors shall form a board or quorum for the transaction of business; but the common business and concerns of the corporation may be made and done by a board of three directors. The president of the corporation shall preside at all meetings of the directors, but, in case of sickness or absence, his place may be supplied by any other director whom the directors present shall nominate for that purpose. The stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointment or upon call of the president and two directors.

Quorum, &c.

*8. And be it enacted,* That, for the well ordering and conducting the election first to be held, the commissioners shall appoint three stockholders to be judges of election; and annually, thereafter, the directors shall appoint three stockholders, not being directors at the time, to be judges of election, who shall conduct and regulate the same, and shall

Judges of elections, &c.

have full power to decide upon the qualification of voters, agreeably to this act.

**Votes, how proportioned.** 9. *And be it enacted,* That the number of votes of each stockholder in the company shall be estimated according to the number of shares he, she, or they shall hold, in proportion following, to wit: for every share, not exceeding twenty, one vote; every five shares above twenty, and not exceeding fifty, one vote; and for every ten shares above fifty, one vote: stockholders may vote in person or by proxy.

**Treasurer to give bond.** 10. *And be it enacted,* That the treasurer of the said corporation, and all other officers and persons intrusted with the money concerns of said corporation, shall, before he enters upon the duties of his office or trust, give a bond, with such sureties, and in such sums, respectively, as the directors may from time to time require, with condition for the faithful performance of his duty.

**Penalty incurred by non-residents, &c.** 11. *And be it enacted,* That it shall not be lawful for any person or persons, who are not at the time an actual inhabitant and resident citizen of this state, to rake, or otherwise gather or take any clams, oysters, or shells, on the banks, beds, or other places in the river, bay, or waters in the Delaware river, or Maurice river, or the cove thereof, in this state, included within the bounds or jurisdiction of the said county of Cumberland, on board of any canoe, flat, scow, boat, lighter, or other vessel, not wholly owned by some person or persons inhabitants of, and actually residing in this state; and every person who shall offend herein shall forfeit and pay fifty dollars, to be recovered, with costs, by action of debt, by said corporation, to the use of said corporation, in any court of record in this state having cognizance of that sum, and shall also forfeit the canoe, flat, scow, boat, lighter, or other vessel, used or employed in the commission of such offence, with all the clams, oysters, shells, clam-rakes, oyster-rakes, tongs, tackle, furniture, and apparel, in and belonging to the same.

**Sheriffs and constables— their duty, &c.** 12. *And be it enacted,* That it shall be the duty of all sheriffs and constables, and may be lawful for any of the officers of said corporation, or other person or persons under them, or in their employ, to seize and secure any such canoe, flat, scow, boat, lighter, or other vessel, used or employed as aforesaid, and immediately thereafter give information thereof, in writing, to two justices of the peace of the county of Cumberland, who are hereby empowered, authorized, and required, to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same; and in case the same shall be condemned, it shall be sold by the order, and under the directions of said justices, who, after deducting all legal and reasonable costs and charges, shall pay the proceeds arising therefrom.

to the treasurer of said corporation, to and for the use of said corporation.

13. *And be it enacted*, That if any person or persons on board of any canoe, flat, scow, boat, lighter, or other vessel used, employed, or engaged as aforesaid, shall refuse, and not suffer such officer or persons to enter the same, or resist before or after any of the said officers or other persons entering or seizing the same, or otherwise resist them or any of them, in the lawful seizing of the same, then every person so offending shall, for every such offence, forfeit and pay the sum of thirty dollars, to be recovered with costs, and applied to the use and benefit of said corporation, in manner directed by the preceding section.

14. *And be it enacted*. That if any person or persons, being resident citizens of this state, shall, under any pretence whatsoever, either directly or indirectly, for the purpose of evading the provisions of this act, give, sell, or offer for sale, or otherwise dispose thereof, to any person or persons, not resident citizens of this state, any clams or oysters, gathered or taken from, on, or off, of the said clam or oyster banks or beds, or other places, in the river, bay, or waters of the Delaware river or Maurice river, or the coves thereof, included within the bounds or jurisdiction of the said county of Cumberland, such person or persons, so offending, shall each, for every such offence, forfeit and pay fifty dollars for and to the use of the said corporation, to be recovered, with costs, and applied in manner as directed in and by the eleventh section of this act.

15. *And be it enacted*, That the following shall be a fundamental article of the said company or corporation, that is to say:—that it shall not be lawful for any person or persons, who are not, at the time, actual inhabitants and resident citizens of this state, to subscribe, or otherwise, either directly or indirectly, become a stockholder to the capital stock of said company; nor shall any transfer of any share or shares of the capital stock of said corporation be at any time transferred, or made, by, or to others than actual resident citizens and inhabitants of this state; and all and every person or persons who shall offend herein, shall incur a forfeiture of such share or shares, and all previous payments or instalments made thereon, to the use of said corporation, together with all dividends and emoluments in and belonging to the same.

16. *And be it enacted*, That this act and the grants, rights, emoluments, benefits, and penalties herein before mentioned, granted, and given, are upon this express condition—that the sum of one thousand dollars be paid to the treasurer of this state, before said company shall commence their operations, and the further sum of one thousand dol-

Penalty is re-sisting officers.

Forfeiture, &c.

Transfers of stock not to be made to non-resident citizens.

Conditions of this incorporation.

lars, on the first day of May, one thousand eight hundred and twenty seven, and the further sum of two thousand dollars, on the first day of May, one thousand eight hundred and twenty-eight, and the further sum of three thousand dollars, on the first day of May, one thousand eight hundred and twenty-nine, and the further sum of four thousand dollars, on the first day of May, one thousand eight hundred and thirty, and the further sum of five thousand dollars, on the first day of May, one thousand eight hundred and thirty-one, as a consideration for granting the same; failure of the payment of the said sum or sums, at the time herein specified, or any part thereof, or within ten days thereafter, shall incur a forfeiture of their charter, and this act shall cease, and be considered as wholly null and void, as though the same had not been passed.

**Limitation of charter.**

17. *And be it enacted,* That this act shall be and continue in force for and until the first day of May, Anno Domini eighteen hundred and thirty-two, and no longer.

**Duties of the corporation.**

18. *And be it enacted,* That said corporation shall cause to be kept, at their office, proper and correct books of account, which, together with the stock and transfer books, shall at all times be open to the inspection of the stockholders; and it shall be obligatory on said company to render a fair statement of their accounts to the legislature of this state, within three years from and after the passage of this act, or the privileges granted by this act shall be forfeited.

C. & A. Passed December 8, 1825.

**A SUPPLEMENT** to an act entitled, "An act to authorize the inclosure of a certain tract of woodland in the county of Bergen," passed the thirtieth January, one thousand eight hundred and eleven.

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of woodland in the county of Bergen, situate, lying, and being between the Fort Lee road on the north, the Hudson river on the east, the Bull's ferry road on the south, and the English Neighborhood and the Bergen turnpike road on the west, to inclose the same by commencing by the English Neighborhood road, at or next the south line of John S. Burdett and Mary Moore, being a southeasterly course to the road under the hill, and

Lands inclosed:

running from thence, along the road that leads from Fort Lee to Bull's ferry, until it comes to the north line of Jeremiah Youmans; thence, in a northwesterly course along the line of the said Youmans, until it comes to the line of George Suckley; thence, along said line, to the line of Doctor Rouse; thence, along the said line, to the parsonage lot; thence, along that line, to the Bergen turnpike road; thence, along the Bergen turnpike road and the English Neighborhood road, to the place of beginning, to inclose the same on the north and south extremes thereof, with a good and lawful fence or fences, strong and sufficient to prevent horses, neat cattle, and sheep, from going through or under the same; and that from and after inclosing the same, as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle, or sheep, with an intent that they shall run at large in the said tract: *Provided always,* that nothing in this act shall be construed to extend to the lands already inclosed and lying within the said bounds.

Proviso.

2. *And be it enacted,* That so much of the fifth section of the act, to which this is a supplement, as relates to the time and place of holding the annual election of officers, and also that part of the first section of the said act which is contrary to the provisions of this act, be, and the same are hereby repealed.

What part of  
the former act  
repealed.

3. *And be it enacted,* That hereafter the election for the appointment of officers shall be held on the second Monday in April, in each year, at the schoolhouse in the English Neighborhood, in the township of Hackensack, between the hours of four and seven o'clock in the afternoon.

Annual meet-  
ings, &c.

C. Passed December 8, 1825.

## AN ACT to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the book or books of any incorporated company in this state, in which the transfer of stock in any such company shall be registered, and the books containing the names of the stockholders in any such company, shall, at all times during the usual hours of transacting business, be open to the examination of every stockholder of such company for thirty days previous to any election of directors; and if any officer having charge of such books, shall,

Books, &c. to  
be open for ex-  
amination.

**Penalty.**

upon demand by any stockholder as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall, for every such offence, forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New-Jersey, and the other moiety to him who will sue for the same, to be recovered by action of debt, in any court of record, together with costs of suit; and further, that the book or books aforesaid shall be the only evidence who are the stockholders of such company entitled to examine such book or books, and to vote in person, or by proxy, at any election for directors of said company.

**Candidate for director ineligible for judge of election, &c.**

2. *And be it enacted,* That no person who is a candidate for the office of director, in any incorporated company of this state, shall act as judge, inspector, or clerk, or in any other character, as the conductor of any election for directors of such company; and in case any person so acting or conducting at any election, shall be elected a director, his election shall be void, and it shall not be lawful for the directors for the time being to appoint such person to the office of director of such company, within twelve months next succeeding such election.

**When company may not vote.**

3. *And be it enacted,* That if any incorporated company in this state shall purchase any of the stock of such company, or take the same in payment or satisfaction of any debt due to them, such company shall not vote in virtue of their stock so purchased or taken, either directly or indirectly, at any election for directors of said company.

**Supreme Court to take cognizance, &c.**

4. *And be it enacted,* That it shall be the duty of the Supreme Court, upon the application of any person or persons, or body corporate, who may be aggrieved by, or may complain of any election, or any proceeding, act, or matter, in or touching the same, reasonable notice having been given to the adverse party, or to those who are to be affected thereby, of such intended application, to proceed forthwith, and in a summary way, to hear the affidavits, proofs, and allegations of the parties, or otherwise inquire into the matters or causes of complaint, and thereupon establish the election so complained of, or to order a new election, or make such order, and give such relief in the premises as right and justice may appear to said Supreme Court to require: *Provided*, that the said Supreme Court may, if the case shall appear to require it, either order an issue or issues to be made up in such manner and form as the Supreme Court may direct, in order to try the respective rights of the parties, who may claim the same, to the officer or officers, or franchise in question, or may give leave to exhibit, or direct the attorney-general to exhibit, one or

**Proviso.**

more information or informations, in the nature of a quo warranto, in the premises.

5. *And be it enacted*, That no by-law of the directors and managers of any incorporated company, regulating the election of directors or officers of such company, shall be valid, unless the same shall have been made thirty days previous to any election of such company, and subject to the inspection of any stockholder, and, in all cases where the right of voting upon any share or shares of stock of any incorporated company of this state shall be questioned, it shall be the duty of the inspectors of the election to require the transfer book of said company, as evidence of stock held in the said company, and all such shares as may appear standing thereon, in the name of any person or persons, shall and may be voted on by such person or persons, directly by themselves, or by proxy, subject to the provisions of the act of incorporation.

Transfer book  
to be evidence  
of stock held.

6. *And be it enacted*, That if at any time hereafter the election for directors of any bank or other incorporated company of this state, shall not be duly held on the day designated and appointed by the act incorporating such bank or other incorporated company, it shall be the duty of the president and directors of such bank or other incorporated company to notify and cause an election for directors to be held within thirty days immediately thereafter, and, in all cases, no share or shares shall be voted upon, except by such person or persons who may have appeared on the transfer books of said company to have had the right to vote thereon, on the day when, by the act of incorporation of such company, the election ought to have been held, which said right so to vote shall be exercised by the persons so appearing, as aforesaid, upon the transfer books of such company, or any day when such election may be held.

Who are legal  
voters.

7. *And be it enacted*, That nothing in this act contained shall apply to any incorporated literary or religious society.

A. Passed December 8, 1825.

**AN ACT to incorporate the Bridgewater Copper Mining Company.**

WHEREAS Augustus F. Cammann and Goold Hoyt have, in behalf of themselves and their future associates, by their petition, set forth, that they are proprietors, by lease and in fee, of certain tracts of land in the county of Somerset,

Preamble.

and state of New-Jersey, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating the said petitioners and their future associates, for the purpose of enabling them to work the said mines and any other mines they may hereafter possess in said state, and also to manufacture the ores thereof in such manner as they may think proper—**THEREFORE,**

**1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Augustus F. Cammann and Goold Hoyt, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be, a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Bridgewater Copper Mining Company," and by that name they and their successors and assigns shall and may have continual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods, and chattels, wares and merchandise whatsoever necessary to the object of the incorporation.

**2. And be it enacted**, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January, at such time of the day, and at such place in the county of Somerset, and state of New-Jersey, as the by-laws of the said corporation shall direct, and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed in the city of New-Brunswick, and in one printed in the city of New-York, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy, and all elections shall be by ballot, each share having one vote, and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot one of their number to be their president; and if any vacancy or vacancies

Style of incorporation.

Their powers, privileges, &c.

Directors to be elected annually.

Vacancies, how to be filled.

shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint: *Provided always,* that the number of directors shall not exceed seven persons, and the persons so elected shall be citizens of the United States.

Proviso.

3. *And be it enacted,* That in case it should at any time happen that an election of directors should not be made on the day that, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

4. *And be it enacted,* That the capital stock of the said corporation shall not exceed the sum of five hundred thousand dollars, and that a share in the said stock shall be five hundred dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days previous notice of such call and demand in the newspapers before mentioned: *Provided* that said capital be employed solely for the purpose of working the copper mines, as set forth in the preamble to this act.

Amount of capital stock.

Forfeiture, &amp;c.

Proviso.

5. *And be it enacted,* That a majority of the directors for the time being shall form a board or quorum for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation—the duties and conduct of the officers, clerks, artificers, servants, and laborers employed by them—the election of directors, and all such other matters as pertain to the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks, and servants for carrying on said business, and with such salaries and allowances as to them shall seem meet.

By-laws.

6. *And be it enacted* That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed.

No banking to be done.

*Capital stock deemed personal property, and transferable:*

7. *And be it enacted,* That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company, and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable.

*No transfer valid until registered.*

8. *And be it enacted,* That no transfer of stock of said company shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, which books shall at all times be open to the inspection of the stock-holders.

*Contracts, &c.  
to be fulfilled.*

9. *And be it enacted,* That the contracts entered into by the said Augustus F. Cammann and Goold Hoyt, touching and concerning leases of any part of the said tract of land, shall be, and the same is hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

10. *And be it enacted,* That this shall be a public act, and shall be judicially referred to by all judges, justices, and others, without being specially pleaded.

C. & A. Passed December 8, 1825.

*Boundaries of  
the tract to be  
inclosed.*

**AN ACT** authorizing the inclosure of a certain tract of woodland, situate in the township of New-Barbadoes, in the county of Bergen.

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of woodland, situate, lying, and being in the county of Bergen, in the township of New-Barbadoes, which said woodland is included in the following boundary, to wit: beginning at the line of John A. Van Voorhies, on the west side of the Sluckup road, and running thence north, thirty-two degrees east, ten chains and twenty-six links, along the west side of the said road; thence north, forty-eight degrees west, eight chains and thirty-one links; thence north, twenty-four degrees east,

eleven chains and eighty-three links; thence north, fifty-nine degrees west, twenty-seven chains and thirty links; thence north, twenty-four degrees east, two chains and fifty-six links; thence north, sixty-eight degrees west, three chains; thence north, four degrees west, six chains; thence north, four degrees west, six chains and seventy-two links; thence north, twenty-five degrees east, three chains and six links; thence north, twenty-five degrees east, four chains, to the new road leading from Sluckup to Paramus; thence, along the said road, until it comes to the Sprout brook; thence, along the Sprout brook, until it comes to the line of John A. Van Voorhies; thence, along the line of the said Voorhies, south, forty-eight degrees east, ten chains, to the land of Cornelius Bogert; thence, along his south bounds, south, twenty-eight degrees west, three chains and forty-eight links; thence south, forty-eight degrees east, nineteen chains and thirty-six links; thence north, forty-two degrees east, three chains and forty-two links; thence north, forty-eight degrees west, five chains and forty-one links; thence north, twenty-three degrees east, two chains and ninety-eight links; thence south, forty-eight degrees east, thirty-four chains and thirty-three links; thence north, twenty-two degrees east, eighty-eight links; thence south, forty-eight degrees east, five chains and forty-three links, to the place of beginning; and to erect such fences and swinging gates in the lines of the said tract, along the Sluckup road and the new road leading from Sluckup to Paramus, and to make the one half of the fences in the line of partition between the other part of the said tract and the land adjoining the same, as by the persons herein after mentioned, to make the assessments, from time to time may be deemed proper to inclose the same; and that from and after inclosing the same, as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle, or sheep, with an intent to run at large in the said tract: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from permitting his, her, or their own, or the cattle, horses, and sheep of any other person to run on any part of the said tract already inclosed by him, her, or them, or which may hereafter be inclosed by him, her, or them, by a lawful fence.

2. *And be it enacted*, That if any person or persons whatsoever shall drive or let in any horses, cattle, or sheep within the said tract, after it shall have been inclosed, as aforesaid, (except as excepted in the first section of this act) with an intent to run at large, such person or persons shall be subject to an action of trespass, to be brought in the name of any owner or owners of the said tract, and be liable to pay treble damages, to be assessed by a jury to be summoned in any court having cognizance of the same, and

Trespassers liable to pay, &c.

**shall also be liable to pay all costs of suit incurred in the prosecution thereof.**

**What cattle, &c.  
to be impound-  
ed.**

**3. And be it enact'd.** That if any horse or horses, cattle, or sheep, shall be found running at large on any part of the tract inclosed, as aforesaid, (except as excepted in the first section of this act) it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the township of New Barbadoes, and shall, as soon as may be, make an affidavit stating that the same were taken running at large in the said tract, and, in such affidavit, shall state a description of the horse or horses, cattle or sheep, so taken, which affidavit shall be delivered to the poundkeeper where the cattle, horses, or sheep are impounded, and the person impounding the said cattle, horses, or sheep, shall be entitled to receive, for every head of cattle, and for every horse so taken and impounded, the sum of thirty-seven cents, if not exceeding four, if more, then, for every head so taken and impounded, the sum of twenty-five cents, and for every head of sheep, the sum of ten cents, and for driving the same to the pound, the sum of twenty-five cents for each head of cattle and for every horse, and ten cents for each head of sheep, to be collected by the poundkeeper of the owner, or from the sale of the said cattle, horses, or sheep, which said sums shall be the measure of damages to be paid on such occasion; and the poundkeeper is directed to receive such beasts, and to proceed in the same manner after the receipt of the same as is directed in the case of distress for damage feasant, by the twelfth section of the act entitled, "An act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees, and subject to the same penalties for the neglect of duty as are allowed and imposed in and by the said act.

**Damages—how  
to be collected.**

**Damages recov-  
ered, how to be  
appropriated.**

**4. And be it enacted,** That all damages recovered by virtue of this act, shall be appropriated and applied from time to time towards making and repairing the fences deemed necessary to inclose the aforesaid tract.

**Meeting to be  
called, and per-  
sons chosen to  
make fences,  
&c.**

**5. And be it enacted,** That it shall and may be lawful, immediately after the passing of this act, for any one concerned in the aforesaid tract to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the township of New Barbadoes, at least fourteen days previous to the time of meeting, on which notice being given the owners and possessors of the said tract shall convene at the house of Isaac A. Vanderbeck, in the township of New-Barbadoes, which owners or possessors, or such as shall assemble in pursuance of the said notice, shall, when met, proceed to elect, by a plurality of votes, three persons, being owners of some

part of said tract, to make and repair the fences and swinging gates necessary to inclose the aforesaid tract, and for the purpose of making assessments, and superintending the expenditure of all moneys to be received and paid for the purpose aforesaid, which said persons so elected shall continue in office until the first Monday in February next, when a new election shall take place, between the hours of three and five in the afternoon of that day, and an election for that purpose shall be had on the first Monday in February, in each year thereafter, at such place as shall be agreed upon by a majority of the said owners assembled at a previous annual meeting, between the hours aforesaid.

6. *And be it enacted,* That the persons so elected, as aforesaid, shall, by virtue of this act, be authorized to make an estimate of the part of the tract benefited by such inclosure, shall ascertain the number of acres, as accurately as they can, which each individual owns or possesses therein, and which may receive benefit from such inclosure, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners or possessors met at their first or any subsequent meeting, which estimate, when made, shall be, by the persons so elected as aforesaid, fairly entered in a book, to be kept for the purpose, in which book shall be entered the names of the persons from time to time elected to superintend the expenditures of the moneys assessed for making and repairing the fences and the swinging gates as aforesaid, and other of the proceedings relative to inclosing of the said tract, which book shall be kept by the persons elected as aforesaid, or one of them, and all assessments shall be made according to the first estimate, until the same is altered by a majority of the owners and possessors of the said tract.

7. *And be it enacted,* That as soon as any assessment is made, and the sum which each individual is to pay is ascertained, it shall be the duty of the persons elected as aforesaid, to demand, in writing, from each individual his proportion, either personally or by leaving a statement of the sum he is to pay with some white person above the age of fourteen years, at his or her dwellinghouse, and, on failure of payment thereof for fourteen days after such demand in writing, which shall and may be proved by the oath of the person making it, it shall be lawful for the said persons so elected as aforesaid, to sue for and recover the same, in their own names, from each individual so assessed and notified as aforesaid, together with the costs of prosecuting for the same, before any justice of the peace in the county of Bergen.

And to make an estimate of the benefit each owner may receive, to be entered in a book

Assessment—  
how to be collected.

8. *And be it enacted,* That the persons so elected shall annually account to the owners for all moneys which may Moneys received, to be accounted for.

come to their hands as aforesaid, and shall pay over the balance remaining in their hands, if any, to their successors, together with the book directed to be kept by them, immediately on their going out of office, under the penalty of one hundred dollars on the defaulters, to be sued for and recovered by their successors, with costs of suit, and to be applied by them, when recovered, to the purposes contemplated by this act.

C. & A. Passed December 8, 1825.

### AN ACT to incorporate the Princeton Fire Company.

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Peter Bogart, Thomas White, James G. Ferguson, Robert Voorhees, Emley Olden, James S. Green, and all such other persons, not exceeding one hundred in number, as now are, or hereafter shall become associates of the Princeton Fire Engine Company of the borough of Princeton, be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Princeton Fire Company."

Style of incorporation.

Their powers, privileges, &c.

**2. And be it enacted,** That the said corporation, in the foregoing section mentioned, by such name, shall have perpetual succession, and be a body politic and corporate, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors, respectively, may have and use a common seal, and have power to make, change, and alter the same at their pleasure; and, by their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, or the provisions of this act, as they shall think proper.

Capital stock,  
how to be em-  
ployed.

**3. And be it enacted,** That the capital stock of said company shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-books, and other implements and machines, and to such other incidental expenses as shall, to the said company, appear best calculated to secure

the property of the citizens of Princeton from injury or destruction by fire.

4. *And be it enacted*, That the said company shall have power to elect annually a president, out of their own body, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution, and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office, shall deliver it over to his successor.

*Annual elec-  
tions, &c.*

5. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

C. Passed December 8, 1825.

#### AN ACT respecting the Militia of the township of Pahaquarry, in the county of Warren.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the militia of the township of Pahaquarry, in the county of Warren, shall meet for the purpose of training and improving in martial exercise, by company, within the bounds thereof, upon the day appointed by law for company, within the bounds thereof, upon the day appointed by law for company trainings, and on the Saturday preceding the days appointed for the meeting of the battalion and regiment to which they may be attached, instead of meeting with said battalion and regiment.

2. *And be it enacted*, That at the meeting of said company on the Saturday preceding the regimental training, the captain or commanding officer of the company shall make a return of the state of said company, their arms, and equipments, and deliver the same to the brigade major, at the regimental training, to be incorporated in his return of the regiment: and, in all other respects, the militia of said township shall be subject to the laws and regulations provided for the government of the militia generally.

A. Passed December 8, 1825.

**AN ACT to raise the sum of twenty thousand dollars, for the year of our Lord one thousand eight hundred and twenty-six.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That there shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of twenty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and twenty-seven.

**2. And be it enacted,** That the said sum of twenty thousand dollars, shall be paid by the several counties of this state, in the proportion following, that is to say:—

The county of Bergen, shall pay the sum of one thousand two hundred and ninety-nine dollars and eighty-three cents.

The county of Essex, shall pay the sum of one thousand nine hundred and eleven dollars and four cents.

The county of Middlesex, shall pay the sum of one thousand six hundred and twenty-six dollars and sixty-nine cents.

The county of Monmouth, shall pay the sum of one thousand eight hundred and sixty-one dollars and eighty-five cents.

The county of Somerset, shall pay the sum of one thousand three hundred and twenty-one dollars and forty-three cents.

The county of Burlington, shall pay the sum of two thousand one hundred and fifty-three dollars and fifty-seven cents.

The county of Gloucester, shall pay the sum of one thousand six hundred and eighty-nine dollars and sixty-one cents.

The county of Cumberland, shall pay the sum of seven hundred and ninety-three dollars and ten cents.

The county of Salem, shall pay the sum of one thousand seventy-eight dollars and thirty-one cents.

The county of Cape-May, shall pay the sum of three hundred and twenty-three dollars and one cent.

The county of Hunterdon, shall pay the sum of two thousand two hundred and sixty-seven dollars and ninety-three cents.

The county of Morris, shall pay the sum of one thousand five hundred sixty-eight dollars and three cents.

The county of Sussex, shall pay the sum of one thousand fifty-two dollars and eighty-one cents.

The county of Warren, shall pay the sum of one thousand fifty-two dollars and eighty-one cents.

3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of twenty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:—

Every covering horse, above three years old, any sum not exceeding six dollars and fifty cents, to be paid by the person where the horse is kept: all other horses or mules, three years old and upwards, any sum not exceeding four cents.

All neat cattle, three years old and upwards, any sum not exceeding three cents.

4. *And be it enacted*, That, in assessing the aforesaid sum of twenty thousand dollars, the following persons, articles, and things shall be valued and rated at the discretion of the assessor, to wit:—all tracts of land held or owned by deed, patent, occupancy, survey, or otherwise, any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, that houses and lots of ten acres and under shall not be included in the above valuation, but shall be valued by the respective assessors, at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

All householders, (under which description shall be included all married men living with their parents) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding one dollar, over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding eight dollars.

All fisheries, where fish are caught for sale, any sum not exceeding eight dollars.

All gristmills, for each run of stones, any sum not exceeding five dollars.

All cotton manufactories, any sum not exceeding twenty dollars.

All carding machines propelled by water, any sum not exceeding two dollars.

All furnaces, any sum not exceeding eight dollars.

All sawmills, for each saw, any sum not exceeding six dollars.

All forges that work pig iron, and forges and bloomeries that work bar iron immediately from ore or cinders, for each fire, any sum not exceeding four dollars.

All rolling and slitting mills, any sum not exceeding eight dollars.

All papermills, any sum not exceeding eight dollars.

All snuffmills, any sum not exceeding six dollars.

All powdermills, any sum not exceeding ten dollars.

All oilmills, any sum not exceeding six dollars.

All plastermills, any sum not exceeding four dollars.

All fullingmills, any sum not exceeding three dollars.

Every ferry or toll bridge, any sum not exceeding thirteen dollars.

All tanyards, where leather is tanned for sale or hire, for each vat, any sum not exceeding twenty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar and twenty-five cents: *Provided*, that every single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder:

Every male slave, between the ages of fifteen and sixty years, any sum not exceeding seventy-five cents: *Provided*, that no slave shall be taxed who is unable to labor.

All distilleries, used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding twenty-five dollars.

All other distilleries, used for distilling, any sum not exceeding six dollars, having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding three dollars.

Every phæton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding two dollars and twenty-five cents.

Every four-horse stage-wagon, any sum not exceeding three dollars.

Every two-horse stage-wagon, any sum not exceeding one dollar and seventy-five cents.

Every covered wagon, with a framed or fixed top, any sum not exceeding fifty cents.

Every two-horse chair or curricle, and every two-horse riding chair with steel or iron springs, any sum not exceeding one dollar.

Every riding chair, gig, dearborn, or pleasure wagon, or sulky, any sum not exceeding fifty cents.

Every printing, bleaching, and dying company, any sum not exceeding three dollars fifty cents.

Every glass factory, where glass is manufactured for sale, any sum not exceeding three dollars.

5. *And be it enacted*, That the said sum of twenty thousand dollars, shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements,

thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duty imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

C. Passed December 8, 1825.

**AN ACT** for erecting the town of Bordentown, in the county of Burlington, into a borough.

WHEREAS the inhabitants of the town of Bordentown have represented, by their petition to the Assembly, that, for the removal and prevention of nuisances, annoyances, and inconveniences, and for other purposes, advantageous to the good order and prosperity of the same, they are desirous that it should be erected into a borough, and have prayed that the said town may be erected into a borough—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said town of Bordentown, in the county of Burlington, herein after described, shall be, and the same is hereby erected into a borough, which shall be called "The Borough of Bordentown," the extent of which borough is, and shall be comprised within the following boundaries, to wit: beginning at the junction of Joseph Bonaparte's (commonly called Count de Survelliers') run with Crosswicks creek; thence, down said creek, to the mouth of Black's creek; thence, up Black's creek, to Benjamin Vanderbeek's lot; thence, along the north-east side of said lot, to the Burlington road; thence, along the north side of said road, to the main street; thence, a north-east course across the main street, to Joseph Bonaparte's (commonly called Count de Survelliers') run; thence, down said run, to the place of beginning.

2. And be it enacted, That Anthony F. Taylor and Thomas Lawrence be, and they are hereby appointed the present burgesses; and the said Anthony F. Taylor shall be called the chief burgess within the said borough, and William Trout to be high constable, and William Snowden to be town clerk—to continue burgesses, high constable, and town clerk, until the first Tuesday of May, in the year one

Officers of the  
borough.

Burgess, penalty for non-acceptance of office.

*7. And be it enacted,* That if any of the inhabitants of said borough shall hereafter be elected to the office of burgess or constable, and having notice of his or their election, shall refuse to undertake and execute the office to which he is chosen, it shall and may be lawful for the said burgesses then acting, upon giving five days notice, in writing, to the person so refusing, to impose such fine on such person or persons so refusing not exceeding two dollars, as to them shall seem reasonable, to be levied by warrant, under the hands and seals of the said burgesses, who shall impose the said fine or fines, or by any other lawful way or means, for the use of the said borough; and, in such case, the said acting burgesses shall issue their process, directed to the high constable, requiring him to hold an election for the choice of some other fit person or persons in the stead of such as shall so refuse: *Provided*, that the person so fined shall not be required to accept of the said office for twelve months thereafter.

Proviso.

Town meeting authorized to make ordinances, &c.

and enforce the same, &c.

Annual town meeting, &c.

*8. And be it enacted,* That it shall and may be lawful for the burgesses, freeholders, and inhabitants, as aforesaid, of the said borough, to assemble in town meeting as often as occasion may require, at which meetings they may make such ordinances and rules, not repugnant to, or inconsistent with the constitution or laws of the United States or of this state, as to the greatest part of the inhabitants so assembled, as aforesaid, shall seem necessary and convenient for the government of the said borough, and the same to repeal, alter, or make anew, as occasion may require; which rules and ordinances, so made, as aforesaid, shall be entered and recorded in the books of the proceedings of the said corporation, to be kept by the town clerk; and the said burgesses and high constable shall execute and enforce the same, in such manner as in and by such rules and ordinances shall be provided and directed, and, at such meetings, any fines imposed upon the breakers of the said rules and ordinances may be mitigated, or wholly released, on the submission of the parties; which town meeting shall be assembled by the burgesses aforesaid, at their discretion, who shall require the town clerk to give at least five days public notice of any such intended town meeting, by advertisements fixed up in at least three of the most public places within the said borough, mentioning the time and place, and, as far as possible, the object of the meeting.

*9. And be it enacted,* That there shall be an annual town meeting of the inhabitants of the said borough, of which public notice shall be given in the manner before mentioned, on the first Tuesday of May of every year, at which it shall be the duty of the burgesses aforesaid to produce, and lay before the said meeting, a full and clear account of all

the moneys received by them for and on account of said borough, for taxes, fines, or on any other account, and also the manner in which the said moneys have been paid and disbursed, particularly stating each item, and showing the balance, if any, remaining in their hands. And at the said annual meeting, the inhabitants of the said borough shall vote such sum or sums of money, as they may think necessary to be raised for the exigencies of the said borough; which sum shall be assessed upon the inhabitants, by the said burgesses, in the manner, and at the same rates and proportions, in which the township taxes are rated and assessed, and shall be collected by such person as the said burgesses, under their hands and seals, shall authorize and direct to collect the same.

*Assessment of taxes, &c.*

10. *And be it enacted,* That this act shall continue in force for five years, at the expiration of which time, nothing in this act shall be so construed as to prevent the repealing the same, and revoking and annulling the powers, privileges, and authorities hereby granted.

*Limitation of charter.*

C. Passed December 9, 1825.

A FURTHER SUPPLEMENT to the "Act to regulate the practice of the Courts of Law," passed February fourteenth, one thousand seven hundred and ninety-nine,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Inferior Courts of Common Pleas are hereby, respectively, empowered and required to mark and lay out the bounds and rules of the prisons of the several counties, not exceeding eight acres of land, adjoining to such prison.

*Extension of prison bounds.*

2. *And be it enacted,* That such parts of the hundredth section of the act to which this is a supplement, that comes within the purview of this supplement, be, and the same is hereby repealed.

*Part of hundredth section repealed.*

C. Passed December 9, 1825.

**A FURTHER SUPPLEMENT** to the act entitled, "An act to ascertain the power and authority of the Orphan and his Surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state."

**BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever a citation or process of attachment shall be duly issued out of the Orphans' Court in any county of this state, against any person or persons who shall reside without said county, and within this state, it shall be the duty of the sheriff or other proper officer of such county, and the said sheriff or other officer is hereby authorized and empowered to serve and execute such citation or process, in the same manner as if the person or persons against whom it may be issued, resided within the county whereof such citation or process is issued, any law, usage, or custom to the contrary notwithstanding.

C, Passed December 9, 1825.

**AN ACT** concerning the sureties of Richard Lloyd, late sheriff of the county of Monmouth.

Preamble.

WHEREAS Alexander M'Gregor, Tunis Forman, Thomas Thompson, Levi Solomon, and Samuel Forman, in behalf of themselves and others, sureties of Richard Lloyd, late sheriff of the county of Monmouth, have, by their petition to the legislature, set forth, that the said Richard Lloyd has collected sundry sums of money by virtue of executions put into his hands, which money he has neglected to pay over to the plaintiffs; but, on the contrary, has appropriated the same to his own use, or expended it in some other way unknown to the said petitioners, for which he has been amerced, his security bonds prosecuted, judgments thereon obtained, and executions levied on the property of his sureties; that he has made no provision for the payment of the said executions, neither has he money or property, as he says, to pay the same; that he has lately been amerced in various other instances, and has become grossly negligent in his business, by reason whereof apprehensions are entertained, that some of his sureties may be greatly injured, if not wholly ruined—

THEREFORE,

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Richard Lloyd, late sheriff of the county of Monmouth, be, and he is hereby deprived of all further control over all and every writ or writs of execution heretofore issued and delivered to him, as sheriff aforesaid, and now remaining wholly, or in part, unexecuted, and his power to receive moneys, or do any other act whatever, in obedience to, or by virtue of the said writs of execution, or any of them, shall henceforth wholly cease and determine, and Alexander M'Gregor, Tunis Forman, and Samuel Forman, of the county of Monmouth aforesaid, are hereby appointed commissioners, with full power and authority to execute all said writs of execution, and to receive any moneys remaining due thereon, and to pay over the same, according to law; and to make sale and disposition of all goods and chattels, lands and tenements, seized or levied on by virtue of the same; and to make good and sufficient titles in the law for such goods and chattels, lands and tenements, and to do all other acts in the premises, as fully, to all intents and purposes, as the said Richard Lloyd might or could lawfully do, by virtue of his said office of sheriff, and of the said writs of execution, or any of them: *Provided*, that nothing in this act contained shall be so construed as to exonerate or discharge any of the sureties of the said Richard Lloyd from any liability or engagement as sureties aforesaid.

Names of commissioners, and their powers.

**2. And be it enacted,** That the said Alexander M'Gregor, Tunis Forman, and Samuel Forman, as commissioners aforesaid, be, and they are hereby made subject, in all respects, to the same penalties, regulations, and restrictions, as he, the said Richard Lloyd, late sheriff as aforesaid, is by law subject to, and that the said Alexander M'Gregor, Tunis Forman, and Samuel Forman, as commissioners aforesaid, are hereby required, and it is their duty to use due diligence to collect all the moneys which he, the said Richard Lloyd, late sheriff aforesaid, had a right to do, by virtue of the authority vested in him by his office, for their own relief and that of the other sureties, which is hereby declared to be the true intent and meaning of this act: *Provided always*, that the said Alexander M'Gregor, Tunis Forman, and Samuel Forman, commissioners as aforesaid, shall pay, or cause to be paid, to the said Richard Lloyd, the one half of all such fees as he shall or might be entitled unto, as late sheriff as aforesaid, upon or by reason of any services to be done by them, as such commissioners as aforesaid; in pursuance of the provisions of this act.

Liable to certain penalties, &c.

**3. And be it enacted,** That it is the true intent and meaning of this act, that the power and authority hereby vested

in the said Alexander M'Gregor, Tunis Forman, and Samuel Forman, commissioners as aforesaid, for the uses and purposes hereby intended, shall be continued until the same shall be fully accomplished, should the death of the said Richard Lloyd happen before the completion of the purposes intended by this act, any thing to the contrary notwithstanding.

*4. And be it enacted,* That the said Alexander M'Gregor, Tunis Forman, and Samuel Forman, commissioners as aforesaid, shall, before they enter upon the execution of any of the powers, trusts, and duties, by this act created, file, with the clerk of said county of Monmouth, a writing, signed by them, expressing their acceptance of the powers, trusts, and duties aforesaid, the said writing to be approved of by three judges of the Court of Common Pleas of said county, and filed and recorded by the clerk thereof, and shall jointly enter into bonds to the state of New-Jersey for the faithful discharge of the duties required of them by this act, in the sum of six thousand dollars: *Provided* two or more of the sureties of the said Richard Lloyd, in each year of his office as late sheriff of the county of Monmouth, shall require the same.

*5. And be it enacted,* That all the powers and duties vested in the said commissioners by this act, may be exercised by a majority of them, and by the survivors and survivor of them, in case of the death of one or more of them before this trust shall be completed and ended; and it shall be lawful for the said commissioners, under their hands and seals, to appoint a deputy or agent to transact the business hereby intrusted to them, they remaining responsible for all his acts; which deputy or agent, whenever the deed or letter of attorney constituting him agent, shall have been duly proved or acknowledged by said commissioners, and recorded in the Monmouth county record of deeds, shall be capable of exercising all or any of the powers vested in the said commissioners by virtue of this act.

C. & A. Passed December 9, 1825.

#### AN ACT to incorporate the Paterson Gas Light Company.

*1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Colt, John Kear, and Andrew Parsons, and their present and future associates, shall be, and they are hereby created a body politic and corporate, in*

To give bonds,  
etc.

fact, by the name of the "Paterson Gas Light Company," and by that name they and their successors may have perpetual succession, and shall, in law, be capable of suing and being sued in any courts and places whatsoever, and may have a common seal, with power to alter the same, and, by the said name, the said corporation shall have power and authority to manufacture, make, and sell gas, to be made of coal, oil, or other materials, for the purpose of lighting the streets, buildings, manufactories, and other places situate in the said town of Paterson, and to enter into and execute contracts, agreements, or covenants in relation to the objects of this incorporation, and of enforcing the same, and be capable of purchasing, taking, and holding, any estate, real or personal, necessary to give effect to the specified purposes of this corporation, and for the accommodation of their business and concerns: *Provided*, that the said real estate shall not exceed what may be absolutely necessary to effect the purposes of said company, and that no public nor private land shall be dug into or any way injured or defaced, without permission being first obtained in writing from the owner or owners thereof.

Style of incorporation.

Their powers, privileges, &amp;c.

2. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of seventy-five thousand dollars; and that a share in the same shall be five dollars; and the subscriptions to the same, or to such part thereof as from time to time may, by the directors for the time being, be deemed proper and necessary, be opened by the appointment, and under the direction of the directors herein after named, or a majority of them, subject to such rules, limitations, and conditions as they, or the future directors of the said company shall prescribe.

Capital stock.

3. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be ordered and managed under the direction of eleven directors, being stockholders, and six of them residents in the town of Paterson; that they shall hold their offices from the third Monday of January, inclusive, in every year, for one year, and shall be elected on the second Monday of January, in each year, at such time and place in the said town of Paterson as a majority of the directors for the time being may appoint, and that public notice shall be given, in a newspaper printed at Paterson, and one printed in the city of New-York, of the time and place of holding such election; and such election shall be by ballot of the stockholders, or their proxies, allowing one vote for each share which they shall have held in his, her, or their name or names, at least fourteen days before the time of voting; and the persons having the greatest number of votes shall be directors; and if two or more persons have an equal number, the directors for the time

Directors—a majority to be residents of Paterson, &amp;c.

**Vacancies, how to be filled.**

• being shall, by a plurality of votes, by ballot, decide which of them shall be directors, so as to complete the number, and the directors so chosen at such election shall choose one of their own number, by ballot, for their president; and if any director shall remove out of the town of Paterson, resign, or cease to be a stockholder, his office shall be vacant, and all vacancies shall be filled by the directors, by a majority of votes, until the next election; and Andrew Parsons, John Colt, John Rutan, Mark W. Collet, Daniel Holsman, John Kear, Abraham Godwin, junior, Robert King, Robert Oliver Robertson, James Moore, James Van Blarcom, and Horatio Moses, shall be the present directors, and shall hold their offices until the third Monday of January, in the year one thousand eight hundred and twenty-seven, and until others are chosen in their places; and may choose a president as soon as a majority of them shall so determine.

**Elections, &c.**

4. *And be it enacted,* That if at any time an election is not held on the day herein appointed, the corporation shall not be dissolved for that cause, but an election shall be held in such manner as is directed by the by-laws, at any time within one year.

**Quorum.**

**By-laws, &c.**

5. *And be it enacted,* That the directors for the time being shall form a board, and they, or a majority of them, shall be a quorum for transacting business, and have power to make by-laws, rules, and regulations, not repugnant to the constitution or laws of the United States or of this state, or the provisions of this act, for the government of the said corporation, the management and disposition of the stock, and the property thereof, and the duty of the officers, clerks, and persons employed therein, the election of directors, and all other matters appertaining to their business or concerns; and may appoint as many officers, clerks, and servants, and with such salaries and allowances as shall to them seem necessary.

**Payments, &c.**

6. *And be it enacted,* That a majority of the directors may require payment of the sum subscribed, at such times, and in such proportions as they shall deem fit, under the penalty of the forfeiture of all previous payments, after giving at least fourteen days notice, in a newspaper published at Paterson, and one newspaper in the city of New-York: *Provided*, that nothing contained in this act shall authorize the said company to use any part of their capital stock for banking purposes.

**Stock personal property.**

7. *And be it enacted,* That the stock of the corporation shall be transferable, according to the by-laws and regulations of the corporation, and shall be considered personal property, and the stock and transfer books shall be opened at all times to the inspection of the stockholders.

8. *And be it enacted,* That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, thereby to injure any conduit, pipe, cock, machine, or structure whatsoever, or any thing appertaining to the works of the said corporation, or whereby the same may be stopped, obstructed, or injured, the person or persons so offending shall forfeit and pay to the said corporation double the amount of the damage sustained by means of such offence or injury, and the same may be recovered in the name of the said corporation, with costs of suit, by action of debt, brought in any court of this state having cognizance of the same.

9. *And be it enacted,* That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

10. *And be it enacted,* That this act shall continue in force until the first day of January, in the year of our Lord one thousand nine hundred, and no longer, when the rights, powers, and privileges, by this act granted, shall cease and determine.

C. Passed December 9, 1825.

### AN ACT to incorporate the Paterson Water Company.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Mark W. Collett, John Colt, Daniel Holsman, Robert King, and Robert Robertson, and such other persons as may become interested, shall be, and are hereby constituted a body corporate and politic, in fact and in name, by the style and title of "The Paterson Water Company," and, by that name, shall and may have continual succession, sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of actions, matters, and causes whatsoever, have a common seal, and make, change, or alter the same at pleasure, and to hold and enjoy such real and personal estate as may be necessary for the object aforesaid; that the stock of the said corporation shall be deemed personal property, and shall consist of two thousand shares, of five dollars each, with the privilege of extending the same to ten thousand shares; that the management of the concerns of the said company shall be intrusted to eleven directors, being stockholders, and inhabitants of the town of Paterson;

Penalties for  
injuries.

Books to be at  
times to stock  
holders.

Style of incorp  
oration.

Their powers,  
privileges, &c.

Time of annual meeting.

Elections, &c.

Vacancies, how to be filled.

Names of commissioners, and their powers.

which directors shall hold their offices for one year from the first Wednesday of February in every year; that an election shall be held on the Monday immediately preceding every such first Wednesday of February in every year, at such place in the town of Paterson, and at such hour as the said directors shall from time to time appoint, by notice, to be published in one of the newspapers printed in the said town of Paterson, at least three weeks before such election day; that all elections shall be by ballot, by the stockholders personally or by proxy, under the direction and inspection of three stockholders, not being candidates, each share having a vote, and the eleven persons having the greatest number of votes, shall be directors; that if any two or more persons have an equal number of votes, so as that eleven directors shall not be elected, the stockholders shall, on the ensuing day, at the same place and hour, in like manner, elect, out of the persons so having an equal number of votes, so many as shall complete the number of directors, out of which number they shall proceed, by plurality of votes, to elect one for their president, and in case of vacancy in the office of any of said directors, by death, resignation, or otherwise, others shall be elected by the directors to fill such vacancy; that in case it shall at any time happen that an election of directors shall not be made on the day appointed by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold any election for directors on any other day, in such manner as shall be provided for by the by-laws of said corporation.

2. *And be it enacted*, That John Colt, Mark W. Collet, Daniel Holsman, James Van Blarcom, and Nesbit Taylor, be commissioners to receive subscriptions for the stock, and shall open books for that purpose, at Paterson, on the first Tuesday of January, one thousand eight hundred and twenty-six, having given two weeks previous notice in one or more newspapers printed in the said town of Paterson; that each subscriber, at the time of subscribing, shall pay one dollar on each share, and whenever one thousand shares shall be subscribed, the said commissioners shall call a meeting of the stockholders within ten days thereafter, by public advertisement in one or more newspapers published at Paterson, for the purpose of electing directors, at such place and hour as they may deem proper, and to such directors lawfully elected they shall pay over such money as they shall have received.

3. *And be it enacted*, That it shall and may be lawful for the directors, or a majority of them, to require payment of the stock subscribed, in such proportion, and at such times as they, or a majority of them, think fit, with the penalty of the forfeiture of all previous payments thereon, and that

previous notice of the instalments required, and of the time when the same are to be made, shall be published, at least thirty days, in one or more of the newspapers published at Paterson.

4. *And be it enacted*, That the directors shall be authorized, in their discretion, to appoint a secretary and other officers, agents, and servants, as they shall from time to time deem necessary for carrying into effect the powers vested in said company, to establish rules, regulations, and by-laws, for and concerning the conduct and government of such officers, agents, and servants, and for determining the compensation to which they shall be entitled, and for and concerning the manner of making transfers of the said stock, and the conduct and government of all such persons as shall use the water from their works, so far as respects the preservation of the water furnished by said company, and the use thereof, and to restrain the waste thereof, and by such laws and ordinances, to impose penalties and forfeitures for a neglect or refusal to comply therewith, so as that such penalty and forfeiture in any one case shall not exceed four dollars; which penalties or forfeitures shall be recoverable, in the name of the said corporation, before any justice of the peace of the county of Essex, with costs, in an action of debt; and that for the purpose of effectually supplying the said town and its inhabitants, it shall and may be lawful to and for the said directors and company to lay out and conduct any number of conduits necessary for, and calculated to supply such water through or over lands in the town of Paterson: *Provided*, that the same shall not be done without consent and permission of the owners of property over or through which it may be necessary to pass.

5. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the works of the said corporation, or any pipe, conduit, aqueduct, plug, cock, reservoir, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said corporation triple the amount of damages sustained by means of such offence or injury, to be recovered in the name of said corporation, with costs of suit, by action of debt, to be brought in any court in this state having cognizance of the same.

6. *And be it enacted*, That no part of the capital stock created by this act shall be applied to any other purpose whatever than the supplying the town of Paterson with water, conformably to the provision of this act.

C. Passed December 9, 1825.

Directors may make by-laws, &c.

Penalties for non-compliance &c. how recoverable.

Proviso.

Offences, how punished.

**AN ACT relative to Wills, Administrations, and Guardianships, proved and granted without this State.**

*Copies, &c. to  
filed, recorded,  
etc.*

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That when the copy of any will, the original of which has been proved and allowed in any probate court, or before any surrogate, in any of the United States or territories thereof, and in any foreign state or kingdom, or when the copy of any letters of administration, or of guardianship, which may have been granted in any of the places aforesaid, out of this state, shall be directed to be filed and recorded in the prerogative office of this state, or in the office of a surrogate, pursuant to this act, the filing and recording thereof shall be of the same force and effect as if the said will had been proved, or the said letters, respectively, had been granted by the ordinary of this state, or the surrogate of a county within the same; and the executors or executors named in such will, or the administrator or administrators, guardian or guardians, named in such letters, may sue and be sued, in their several capacities aforesaid, and have all such rights, powers, and privileges in the courts of this state, as by law they might if such will had been proved, or such letters of administration or guardianship had been granted by the ordinary of this state, or a surrogate of the same, as aforesaid.**

*Copies to be  
certified under  
great seal before  
filing.*

**2. And be it enacted, That when the executor or executors named in such will, or the administrator or administrators, guardian or guardians, named in such letters, or any of them, or any person interested in the same, shall produce the copy of such will, with the copy of the probate thereof, or a copy of such letters of administration or guardianship, such copies being certified under the great seal of the state or territory where such will was proved, or letters granted, unto the ordinary of this state, or the surrogate of any county within the same, and shall, in writing, desire of the said ordinary or surrogate, that the same may be filed and recorded in the prerogative office of this state or the office of such surrogate, as the case may be, pursuant to this statute, the said ordinary or surrogate may assign a time and place for taking the same into consideration, and shall cause notice thereof to be given in some newspaper printed in this state, and continued therein for three weeks at least, next before the time assigned for the hearing, to the end, that any person may appear and shew cause against the filing and recording the same; and if at the time assigned no objection is made, or none, in the judgment of the said ordinary or surrogate, as the case may be, sufficient to prevent it, the said ordinary or surrogate may**

*Ordinary, &c. to  
advertise hear-  
ing, &c.*

cause the said copy to be filed in the proper office, as aforesaid; and the same shall also be there recorded, which, being done, and not before, such filing and recording shall have the effect mentioned in the preceding section.

3. *And be it enacted,* That if the executor or executors, administrator or administrators, named in such will or letters of administration, at the time of the filing and recording the same, as aforesaid, shall have renounced the execution of such will, or be dead, or shall afterwards die, or the said letters shall be revoked, the said ordinary or surrogate, as the case may be, may grant letters of administration, with the will annexed, or de bonis non, as the case requires, and as if the original will or original administration had been proved or granted by the said ordinary or surrogate.

4. *And be it enacted,* That for all services rendered under this act, the said ordinary and register of the Prerogative Court shall be entitled to the same fees as are allowed by law for similar services in other cases.

A. Passed December 9, 1825.

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**A FURTHER SUPPLEMENT to "An act appropriating a sum of money for the protection of the oyster beds in Delaware Bay," passed December eleventh, one thousand eight hundred and twenty-three.**

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That, for the purpose of a final settlement, the sum of three hundred and twenty-six dollars and seventy cents, he, and hereby is appropriated to defray the additional expenses incurred by the inhabitants of Maurice River, and others, in defending the oyster beds in the Delaware Bay, within the bounds of this state, against the depredations and claims of citizens of other states.

2. *And be it enacted,* That the treasurer pay to Israel Stratton, esq. the above sum, to be applied by him for the purposes above mentioned.

C. Passed December 9, 1825.

**A SUPPLEMENT to an act entitled, "An act for the preservation of clams and oysters," passed the ninth of June, one thousand eight hundred and twenty.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That no canoe, scow, boat, or vessel, employed in navigating any of the waters, bays, or rivers of this state, shall have on board of the same any instrument called a dredge, for catching or raking oysters or shell-fish; and the master or owner or owners of every such canoe, scow, boat, or vessel, that shall have on board the same any such instrument, shall forfeit the sum of fifty dollars, to be recovered in the manner, and for the use mentioned in the first section of the act to which this is a supplement.

**2. And be it enacted,** That it shall not be lawful for any person, who is not at the time an actual inhabitant and resident of this state, and who has not been for six months next preceding, an actual inhabitant or resident as aforesaid, to rake or gather clams, oysters, or shell-fish, either on his own account and benefit, or on account and benefit of his employer, in any of the rivers, bays, or waters of this state, on board of any canoe, flat, scow, boat, or other vessel; and every person who shall offend herein, shall forfeit and pay twenty dollars, to be recovered and applied in the manner directed by the first section of the act to which this is a supplement: and the said canoe, flat, scow, boat, or other vessel, used and employed in the commission of such offence, with all the clams, oysters, clam-rakes, tongs, tackle, furniture, and apparel, shall be forfeited, and the same seized, secured, and disposed of in the manner prescribed in the seventh and eighth sections of the act to which this is a supplement.

**3. And be it enacted,** That any action under the first section of the act to which this is a supplement, or under the first and second sections of this act, may be commenced by warrant in the court for the trial of small causes, and be proceeded in as in other cases when the same are commenced by warrant, any law, usage, or custom to the contrary notwithstanding.

**4. And be it enacted,** That the sixth section of the act to which this is a supplement, and also the act entitled, "A supplement to an act for the preservation of clams and oysters," which supplement was passed the twenty-fourth of December, one thousand eight hundred and twenty-four, be, and the same are hereby repealed.

C. & A. Passed December 10, 1825.

**AN ACT to incorporate and endow the New-Jersey Institution for the Deaf and Dumb.**

WHEREAS a number of citizens are desirous to reclaim the deaf and dumb, of whom there are many in this state, to the rank of their species, and render useful members of society, and for this purpose wish the endowment of an asylum in this state, where the children of the rich, for a moderate compensation, and of the poor, gratuitously, laboring under the privation of the faculty of speech, can be maintained and educated—AND WHEREAS such persons have prayed the establishment of an institution in this state, and to receive from the legislature such pecuniary aid, as, together with the donations that may be expected from the charitable, will be sufficient to carry on an institution so salutary to the afflicted, so beneficial to the community, and so honorable to the state

—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the members of the New-Jersey Institution for the Deaf and Dumb, and all who, according to the constitution and by-laws, shall become members thereof, be, and they are hereby declared to be, a body politic and corporate, by the said name and style, to have perpetual succession, and be capable to take, hold, and enjoy lands, tenements, and hereditaments, to use a common seal, and to break, alter, or renew the same at pleasure: Provided, that the clear yearly value of the real and personal estate by them so held shall not exceed twenty thousand dollars.

2. And be it enacted, That the fundamental laws and constitution by which the said institution shall be governed, shall be as follows:—

**CONSTITUTION AND FUNDAMENTAL LAWS OF THE NEW-JERSEY INSTITUTION FOR THE DEAF AND DUMB.**

**ARTICLE I.**

The institution shall be located by the board of directors, and if in the opinion of a majority of the directors it should be thought advisable, they are authorized to establish and locate two schools, or asylums, one in the northern, and one in the southern part of New-Jersey, and to be supported by the annual and life subscriptions of its members, by the donations and legacies of the charitable, by such aid as the legislature may be pleased to afford, and by the money to be received for the education of children whose parents, guardians, or friends are of ability to pay.

## ARTICLE II.

The officers of the institution shall be a president, four vice presidents, a treasurer, and recording secretary. They shall be ex-officio members of the board of directors, and their duties shall be such as are implied in their titles, or shall be prescribed by the by-laws. And said officers shall not receive any fee or compensation for their services in performing their several duties, either directly or indirectly, excepting the treasurer and secretary.

## ARTICLE III.

There shall be a board of directors, consisting of two persons from each county in this state, members of the institution, who shall annually, at the meeting next succeeding their election, appoint one of their number to act as corresponding secretary; their duties shall be such as shall be defined by the by-laws. There shall also be a committee of six gentlemen and twelve ladies, selected annually in the neighborhood of the school or schools, by the board of directors, at their first meeting, to aid in the management of the asylum, under such provision as may from time to time be prescribed by the by-laws.

## ARTICLE IV.

Any person shall be entitled to become a member by paying annually, or in gross, the sum which shall be required by the by-laws for an annual or life subscription.

## ARTICLE V.

The members of the institution shall annually meet on the first Wednesday next succeeding the second Tuesday of November, at such hour, and in such place, as the directors may prescribe, for the election of officers and directors and the transaction of other business, and to receive the annual report of the directors. Adjourned and special meetings may be held as shall be provided by the by-laws.

## ARTICLE VI.

The right of membership may be relinquished, and the resignation, addressed in writing to the secretary of the board of directors, shall be accepted by them: Provided the member shall have discharged all demands due by him or her to the institution.

## ARTICLE VII.

The funds of the institution shall be at the disposal, and under the management of the board of directors, subject, however, so far as relates to that part derived from the life subscriptions, to such restrictions as may be imposed by

the by-laws, and subject, also, to such restrictions as may accompany the grant of aid by the legislature. And it shall be the duty of the directors for the time being to present to the legislature, in the month of November, annually, a statement of the funds and expenses of the institution, and of the number of children received and educated therein during the year immediately preceding, and of the parts of the state whence they have come, distinguishing those who have been supported and educated gratuitously.

#### ARTICLE VIII.

Indigent deaf and dumb children, resident citizens anywhere within the state, shall be received into the school and asylum, maintained and educated gratuitously, so far as the funds of the institution will admit: *Provided*, that when more children shall be offered for the benefit arising out of this institution than can be received at any one time, the president and directors shall so apportion their number among the several counties of this state, according to their population; when application shall be made, that every county may equally receive the benefits of the same: *Provided also*, that the board of chosen freeholders of the respective counties recommend to the board of directors who are the proper objects of the state's charity.

#### ARTICLE IX.

The number of officers and directors may be increased or diminished, as convenience shall require, at any annual meeting of the members of the institution; notice of the intended alteration being previously given in one of the newspapers printed in the city of Trenton, and fifteen members, being a majority of the members present, consenting.

#### ARTICLE X.

And any general meeting shall be competent to make, alter, or repeal by-laws, rules, and regulations, a majority of the members present agreeing to the same.

3. *And be it enacted*, That if any election of officers of the institution be not held at the time herein appointed, the corporation shall not, for that cause, be dissolved; but an election shall be held as soon after as may be, public notice thereof being given, as aforesaid; and, until such election, the officers in place shall continue to act until others are appointed.

4. *And be it enacted* That the following persons shall act as directors of said institution until the annual election, to be holden by its members, in November next, agreeably to the fifth article of the constitution and fundamental laws of this institution:—Charles Board and Henry B. Hagerman, of the county of Bergen; John Mann and John Croes, ju-

nior, of the county of Essex; Sylvester D. Russell and Ephraim Marsh, of the county of Morris; George H. McCarter and Joseph Chandler, of the county of Sussex; Jacob S. Thomson and Reverend Joseph Campbell, of the county of Warren; Thomas Capner and Asa C. Dunham, of the county of Hunterdon; Reverend Isaac Fisher and James S. Green, of the county of Somerset; James Stryker and James Cook, of the county of Middlesex; John T. Woodhull and James West, of the county of Monmouth; Samuel Black and Isaiah Toy, of the county of Burlington; Benjamin B. Cooper and Charles French, of the county of Gloucester; Robert G. Johnson and Israel R. Clawson, of the county of Salem; William B. Ewing and Edmund Sheppard, of the county of Cumberland; Thomas H. Hughes and Israel Townsend, of the county of Cape-May.

5. *And be it enacted*, That, in order to aid the funds of the said asylum, the governor is hereby authorized and required to draw his warrant on the state treasurer in favor of the president of said institution, for any sum not exceeding one hundred and sixty dollars per annum for every indigent deaf and dumb pupil taught in said school, in quarter yearly payments: *Provided*, that no one scholar shall be taught at the expense of the state more than four years, unless in the opinion of a majority of the board of directors, a longer continuance at the institution is thought advisable: *And provided also*, that the sum so to be drawn from the treasury for such tuition, shall in no one year exceed the sum of three thousand dollars: *And provided further*, that when parents, guardians, or friends, of any such pupils shall be able to pay any part of the said one hundred and sixty dollars, which ability shall be determined by the directors of the county in which the applicant resides, the governor shall, in any such case, draw his warrant on the state treasurer for the balance of said sum of one hundred and sixty dollars, and the said president of said board of directors shall, in either of the above mentioned cases, when the number of pupils require it, be entitled to a warrant or warrants as aforesaid, to the said amount of three thousand dollars.

6. *And be it enacted*, That the provision made by virtue of the act entitled, "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," passed the tenth of November, one thousand eight hundred and twenty-one, be continued until an asylum or asylums, established by virtue of this act, shall be prepared for the reception of scholars, when the said provision shall cease, and the indigent deaf and dumb be educated and supported agreeably to the provisions of this act: *Provided*, that this section shall not affect any contract entered into by the governor of this state for the education of any deaf and dumb person.

C. Passed December 10, 1825.

**AN ACT providing for the repairs of the Chancery Office,  
and for the security of the papers contained therein.**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Charles Parker and John Wilson, esq. be, and they are hereby appointed commissioners to make such improvements and repairs to the chancery office, as, in their opinion, may be necessary for the security of said building, and the preservation and safety of the papers contained therein: *Provided* the expense thereof does not exceed the sum of four hundred and thirty dollars.

**A, & C. Passed December 10, 1825.**

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**AN ACT to incorporate "The Jersey Porcelain and Earthenware Company."**

**1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That George Dummer, Timothy Dewey, Henry Post, junior, William W. Shirley, and Robert Abbott, junior, and their present and future associates, their successors, and assigns, be, and they are hereby created a body corporate and politic, by the name of "The Jersey Porcelain and Earthenware Company," and are hereby ordained, constituted, and declared to be a body politic and corporated, in fact and in name, for the purpose of manufacturing and selling porcelain and earthenware, such as they shall manufacture at the town of Jersey, in the county of Bergen, and by that name they and their successors, for twenty-one years, shall and may have succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever, and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be, in law, capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the real estate so to be holden shall be such only as shall be necessary to promote or attain the objects of this incorporation.

Amount of capital stock may be increased.

Restrictions.

Directors, &c.

By-laws may be established, &c.

Proviso.

2. *And be it enacted*, That the capital stock of the said corporation may be, at present, one hundred thousand dollars; and if at any time hereafter the said company shall deem it beneficial, the said capital stock may be increased, not to exceed one hundred and fifty thousand dollars, in the whole; that a share of the said stock shall be one hundred dollars; and that the stock of the said company shall be deemed and considered personal estate: and in no case whatever shall the company engage in any banking business or any other business not strictly consistent with, or appropriate to the objects defined in the first section of this act.

3. *And be it enacted*, That, for the better carrying into execution the privileges granted by this act, there shall be, for the present, five directors, who shall hold their office until the first Monday in May, which will be in the year one thousand eight hundred and twenty-eight, or until others shall be elected in their stead; that the first directors shall be George Dummer, Timothy Dewey, Henry Post, junior, William W. Shirley, and Robert Abbatt, junior, out of which number the said directors, at their first meeting, shall appoint their president, and a majority of whom, present at any meeting, shall have power to transact business.

4. *And be it enacted*, That the said corporation and their successors shall have full power to make, constitute, ordain, and establish, by and with the consent of a majority in value of the persons interested in said company, such by-laws, rules, ordinances, and regulations, as they from time to time shall judge proper, for the election of directors, and the number of directors, not exceeding eleven, which they may judge necessary to conduct the affairs of the company, their duration in office, and the time and manner of their election; and the directors above named, or their successors in office, shall have power to make, constitute, ordain, and establish all other by-laws, rules, ordinances, and regulations for the transaction of the business of the said company, not repugnant to the constitution and laws of the United States, or of this state, or the provisions of this act: *Provided*, that all contracts, engagements, and responsibilities, entered into on the part of the said company, and signed by their president, shall be binding on the said company in like manner as any contract would be if made and entered into by any individual.

C. Passed December 10, 1825.

**N ACT to authorize the holding of special terms of the Courts of Common Pleas in and for the counties therein named.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Courts of Common Pleas, in and for the counties of Hunterdon, Burlington, Essex, Morris, Middlesex, and Gloucester, respectively, be, and they are hereby authorized, at their stated terms, to order and appoint special terms of the Courts of Common Pleas to be holden in their respective counties, at such time or times in the vacation between the stated terms of said court, as they, in their discretion, shall think fit; and, at such special terms, to hear, try, and determine all appeals from the courts for the trial of small causes, from the judgment of the justice without the verdict of a jury, then depending in said court: and also, at such special term, to hear and determine all such arguments upon matters of law arising in causes depending in said court, as shall, by the consent of parties, be set down for hearing at such special term: Provided always, that at such special term the hearing of appeals shall have preference of argument upon matters of law.**

C. & A. Passed December 10, 1825.

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**AN ACT to defray Incidental Charges.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for the treasurer of this state to pay to the several persons herein after named, the following sums, viz.**

To Charles Parker, for two copies of the Journals of the first American Congress, and for his expenses going to, while at, and returning from Philadelphia, four times, and New-York, three times, on business for the state, &c. one hundred and twelve dollars, sixteen cents.

Also, the further sum of four hundred and ninety-one dollars and ninety cents, amount expended by commissioners in repairs to the government house, &c. over and above the appropriation.

To Attorney-General, for injunction in case of Queen's College Lottery, set forth in accompanying vouchers, one hundred fifty-seven dollars, forty cents.

To commissioners appointed to sell part of the government lot, as per account, twenty-three dollars.

To John C. Chambers, for candlesticks, snuffers, tumblers, &c. furnished for Council chamber and House of Assembly, fourteen dollars, ninety-four cents.

To Thomas Atkinson, for expenses of deaf and dumb, while at Trenton, thirty dollars, fifty cents.

To Isaac Gulick, for expenses to Jersey city, upon express, by resolution of the House of Assembly, seventy-five dollars.

To John Bellerjeau, for making paper blinds to windows in Council chamber, putting them up, &c. four dollars, fifty cents.

To George Sherman, for furnishing Trenton Federalist, publishing public acts, &c. thirty-four dollars, fifty cents.

To William Gold, for cordwood, and sawing, for the state-house, and other expenditures, accompanied by vouchers, twenty seven dollars, seventy-nine cents.

To Alexander Winthrope and son, for putting on locks and blinds, as per accompanying bill, eight dollars, seventy-five cents.

To William Kirwood, for baize furnished for Council chamber, one dollar, fifty cents.

To William L. Prall, for wood furnished the Council chamber and House of Assembly; also, for the True American, furnished the Council and Assembly, accompanied by corresponding vouchers, one hundred and forty-three dollars, sixty-seven cents.

To Justice and Potts, for furnishing legislature seven weeks with the Emporium, seventeen dollars, fifty cents.

To Francis S. Wiggins, for printing commissions, bills for Council, as per bill (accompanying), ninety dollars, eighty-eight cents.

To Adjutant-General, for postage, nine dollars, eleven cents.

To Richard Lloyd, late sheriff of Monmouth, in pursuance of an order of the Governor, to apprehend William Jackson, in the state of Pennsylvania, forty-nine dollars, sixty-eight cents.

To Daniel Fenton, for stationary, fifty-six dollars, fifty-one cents.

To the Governor of this state, for postage, as set forth in the accompanying accounts, fifty-three dollars, ninety-seven cents.

To Frederick Cook, stated by order of the Governor, December third, one thousand eight hundred and twenty-two, to bring William Mead from Washington city, a prisoner, twenty-eight dollars.

To William Gould, for candles furnished the House of Assembly, as per bill, four dollars.

To John Bellerjeau, for candles furnished Council chamber, two dollars, thirty-seven cents.

To Joseph Justice, for printing bills for Council and House of Assembly, set forth in the accompanying accounts, one hundred and eighty-five dollars, twenty-five cents.

To William Mount, as door-keeper for two days, and indies, four dollars, fifty cents, as per bill.

To Joseph Justice, for furnishing Council chamber with stationery, thirteen dollars, sixty-two cents.

To William L. Prall, for printing bills for the House of Assembly, forty-two dollars, fifty cents.

To John R. Smith, for andirons, &c. as per bill, nine dollars and nineteen cents.

C. & A. Passed December 10, 1825.

**AN ACT for the support of the Government of this State.**

1. BE IT ENACTED by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be paid to the officers appointed or the administration of the government of this state, the several sums following, to wit:—

To the Governor of this state, for the time being, at the rate of two thousand dollars by the year.

To the Chief Justice of the Supreme Court of this state, for the time being, at the rate of twelve hundred dollars by the year.

To the other Justices of the Supreme Court, for the time being, at the rate of eleven hundred dollars by the year.

To the Treasurer of this state, for the time being, at the rate of ten hundred dollars by the year.

To the Law Reporter of this state, for the time being, at the rate of two hundred dollars by the year.

To the Attorney-General of this state, for the time being, at the rate of eighty dollars by the year.

To the Adjutant-General of this state, for the time being, at the rate of one hundred dollars by the year.

To the Quartermaster-General of this state, for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or vice-president of Council; and in case any of said officers shall be removed from office by death or otherwise, the salary of such officer shall cease and determine on such removal, and the salary of his successor shall com-

mence from the time he shall be sworn or affirmed into office.

2. *And be it enacted,* That there shall be paid to the vice-president of Council, and the speaker of the House of Assembly, the sum of three dollars and fifty cents; and to every member of the Council and Assembly, the sum of three dollars for each and every day that they have respectively attended this, or may attend this or any future meeting of the legislature; and to every member the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual road between his place of residence and the seat of government in going and returning, on a certificate to be produced to the treasurer, expressing the sum due, and the number of days and miles, signed by the president or vice-president of Council, for the members of Council, or by the speaker of the House of Assembly, for the members of Assembly, or by Ebenezer F Smith, As C. Dunham, William Stites, and Isaiah Toy, or any two of them, for the members of Assembly.

3. *And be it enacted,* That there shall be paid to the secretary of Council, and to the clerk of Assembly, the sum of three dollars and fifty cents, for every day they have respectively attended this, or may attend any future sitting of the legislature, and the sum of eight cents by the sheet computing one hundred words to the sheet, for entering the minutes of Council and Assembly and the joint meeting fairly in the journals, and five cents by the sheet for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice-president of Council, for the secretary of Council, and by the president of Council, or the speaker of the House of Assembly, for the clerk of Assembly.

4. *And be it enacted,* That the treasurer pay to such person or persons as shall print the Law Reports, twenty-six dollars for every sheet; that the treasurer pay to such person or persons as shall print the Laws, the sum of twenty-five dollars for every sheet, and that sixteen hundred copies of each be printed; that the treasurer pay to such person or persons as shall be appointed by the House of Assembly to print the Votes and Proceedings of the Assembly, and to such person or persons as shall be appointed by the Council for printing the Journals of Council, and the Minutes of Joint Meeting, the sum of twenty-two dollars for every sheet, and that thirteen hundred copies of each be printed; and that the printer of the Laws be required to print the public and private laws together in one pamphlet, in the order of their passage, with tables of contents at the end, containing the title of each public act in one table, and of the private acts in another table.

5. *And be it enacted,* That there shall be paid to the Sergeant-at-Arms for the time being, who shall attend the Council and the House of Assembly, and to the door keepers of Council and the House of Assembly, for the time being, the sum of two dollars by the day, for each day, on a certificate to be produced to the Treasurer, expressing the sum and the number of days they have respectively attended, signed by the president of Council, or the speaker of the House of Assembly.

6. *And be it enacted,* That there shall be paid to the secretary of Council, and to the clerk of Assembly, who shall severally engross the bills of Council and Assembly, this session of this Legislature, at the rate of eight cents by the sheet, on a certificate of the amount signed by the president or vice-president of Council, or by the speaker of Assembly.

7. *And be it enacted,* That this act be, and continue in force for one year from the twenty-fifth day of October, one thousand eight hundred and twenty-five, and no longer.

C. Passed December 12, 1825.

A FURTHER SUPPLEMENT to the act entitled, "An act making lands liable to be sold for the payment of debts," passed the eighteenth of February, seventeen hundred and ninety-nine.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the lands, tenements, hereditaments, and real estate of any person who shall die seized thereof, or entitled to the same, shall be and remain liable for the payment for his or her debts, for one year after his or her decease, and may be sold by virtue of an order of the Orphans' Court of the county where such lands, tenements, hereditaments, and real estate shall lie, if obtained within the said period of time, any alienation or incumbrance made, or attempted to be made, by his or her heir or heirs, devisee or devisees, to the contrary notwithstanding: *Provided always,* that nothing herein contained shall affect any right of dower in the said lands, tenements, and real estate.

C. & A. Passed December 12, 1825.

**AN ACT for the removal of certain Officers, for causes  
therein stated.**

**BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That in all cases where any one of the surrogates of the several counties of this state is, or shall become incapacitated by mental derangement, insanity, or great debility of mind, from properly performing the duties of their respective offices, it shall be the duty of the surrogate-general, upon information thereof in writing, signed by a majority of the judges of the Orphans' Court of the county for which such surrogate has or shall be appointed, supported by affidavit or affidavits, if the said surrogate-general shall think it necessary, to appoint some fit person to perform the duties thereof during such incapacity, or until the next meeting of the legislature, as the case may require; which said person, so appointed, shall, before he enters upon the duties of the office, make oath or affirmation, and give bond for faithfully performing the duties thereof, in the manner required by the twenty-ninth section of the act entitled, "An act to ascertain the power and authority of the Ordinary and his surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state," passed the thirteenth day of June, in the year of our Lord one thousand eight hundred and twenty.

**C. Passed December 12, 1825.**

## RESOLUTIONS.

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### PREAMBLE AND RESOLUTION relative to a Break-water in Delaware Bay.

WHEREAS the traders of this state, the merchants of Philadelphia, and all those who navigate the waters along our coast, experience great inconvenience, hazard, and loss from drifting ice and storms, near the entrance of Delaware Bay—AND, as the commissioners of the General Government, who were appointed to make a scientific survey of said bay, have, by their Report, satisfied the legislature, that an artificial harbor or stone breakwater, at or near Cape Henlopen, would be of incalculable advantage to our merchants and traders—AND, as our enlightened national legislature will ever be disposed to extend their care to protect the lives and property of this citizens of our common country—THEREFORE,

*RESOLVED*, by the Council and General Assembly of this State, That our Senators and Representatives in Congress be requested to use their influence to cause to be erected an artificial harbor or stone breakwater in the Delaware Bay, at or near Cape Henlopen.

*RESOLVED*, That the Governor of this state be requested to forward to each of our Senators and Members of Congress, and to the President of the Chamber of Commerce, a certified copy of the above Preamble and Resolutions.

C. Passed December 7, 1825.

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### PREAMBLE AND RESOLUTION, requesting Charles Ewing, esquire, &c. to revise certain Laws, &c.

WHEREAS the “Act to ascertain the power and authority of the Ordinary and his Surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans’ Court in the several counties of this state,” and the several supplements thereto; and also, the several acts and supplemental acts relatives to executors, administrators, and guardians, may truly be considered of the first importance, as the fair distributions and protection of the property of the widow and the orphan, as well as others, depend much thereupon—AND WHEREAS, so many

acts and supplemental acts thereto have at different times been enacted, as to render a fair and full construction of said acts and supplemental acts difficult, if not impossible—**THEREFORE,**

**RESOLVED**, by the Council and General Assembly of this State, That the honorable Charles Ewing, Chief Justice of said state, be requested to revise the aforesaid acts and supplements, and all other acts coming within the purview of the same, and report, by bill or otherwise, to the next legislature;—and that Charles Carson and William B. Ewing be a committee to wait upon the said Chief Justice, and inform him of said request.

**C.** Passed December 9, 1825.

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**RESOLUTION** relative to the Deaf and Dumb, &c.

**RESOLVED**, by the Council and General Assembly of the State of New-Jersey, That the Senators and Representatives in Congress from this state, be requested to exert their influence in obtaining from the national legislature suitable assistance for the New-Jersey Institution for the instruction of the Deaf and Dumb.

**RESOLVED**, That his Excellency the Governor cause a copy of the foregoing Resolution to be transmitted to each of the Senators and Representatives in Congress from this state.

**A. & C.** Passed December 12, 1825.

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**RESOLUTION** concerning the Public Lands at Paterson.

**RESOLVED**, by the Council and General Assembly, That Samuel Pennington, esquire, be, and he is hereby appointed agent, in the place of Abraham Ackerman, to take charge of and manage the state lands at Paterson; that he have power and authority, in the name of the state, to call the said Abraham Ackerman to account for all moneys received by him, the said Abraham Ackerman, as agent as aforesaid, and to receive from him all such moneys as he shall find due from the said Abraham Ackerman, and pay the same over to the treasurer of this state, for the use of the state, forthwith, after the receipt thereof, and that he report to the next sitting of the legislature the condition of the said property, and his proceedings had in the premises.

**C.** Passed December 12, 1825.

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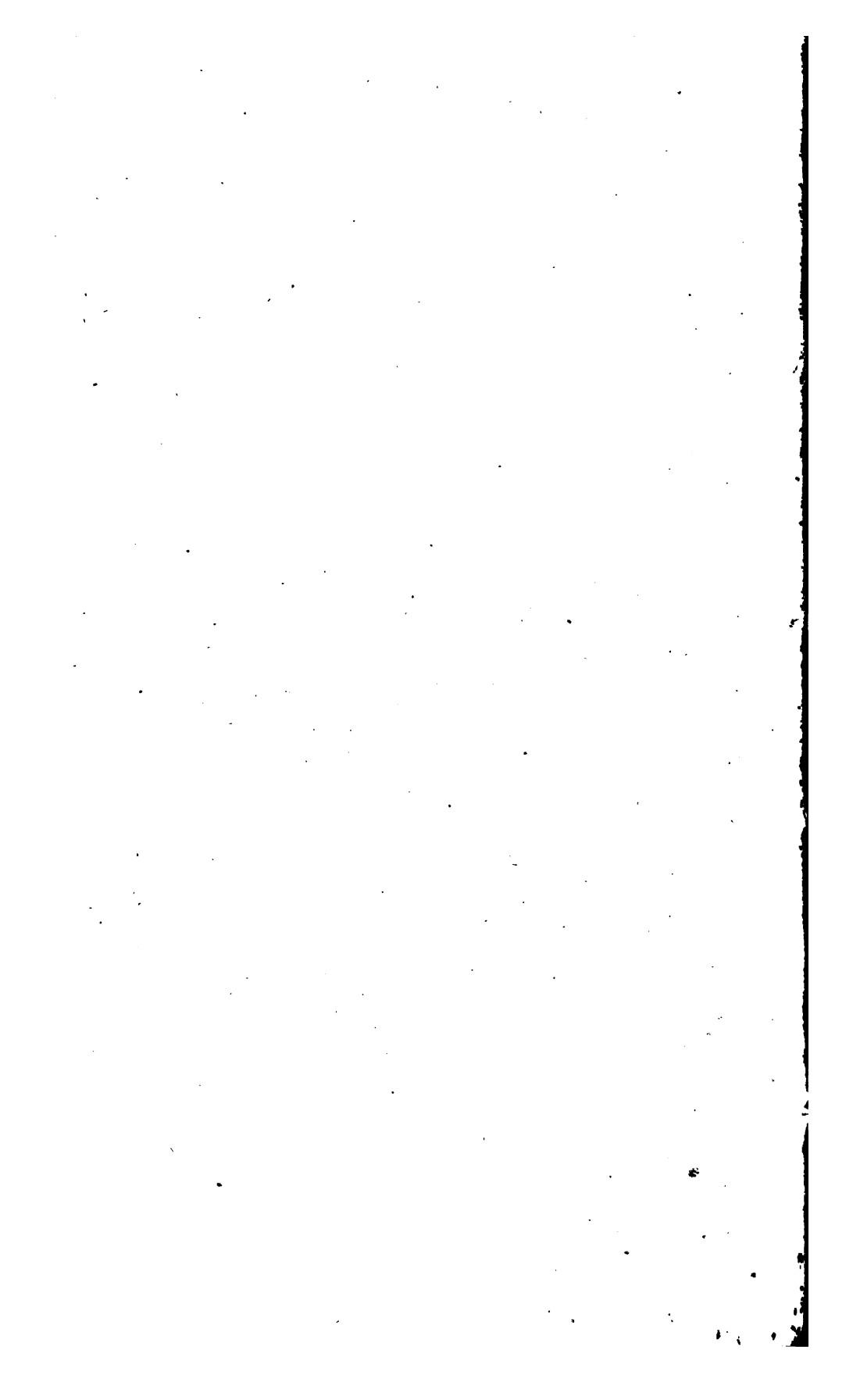
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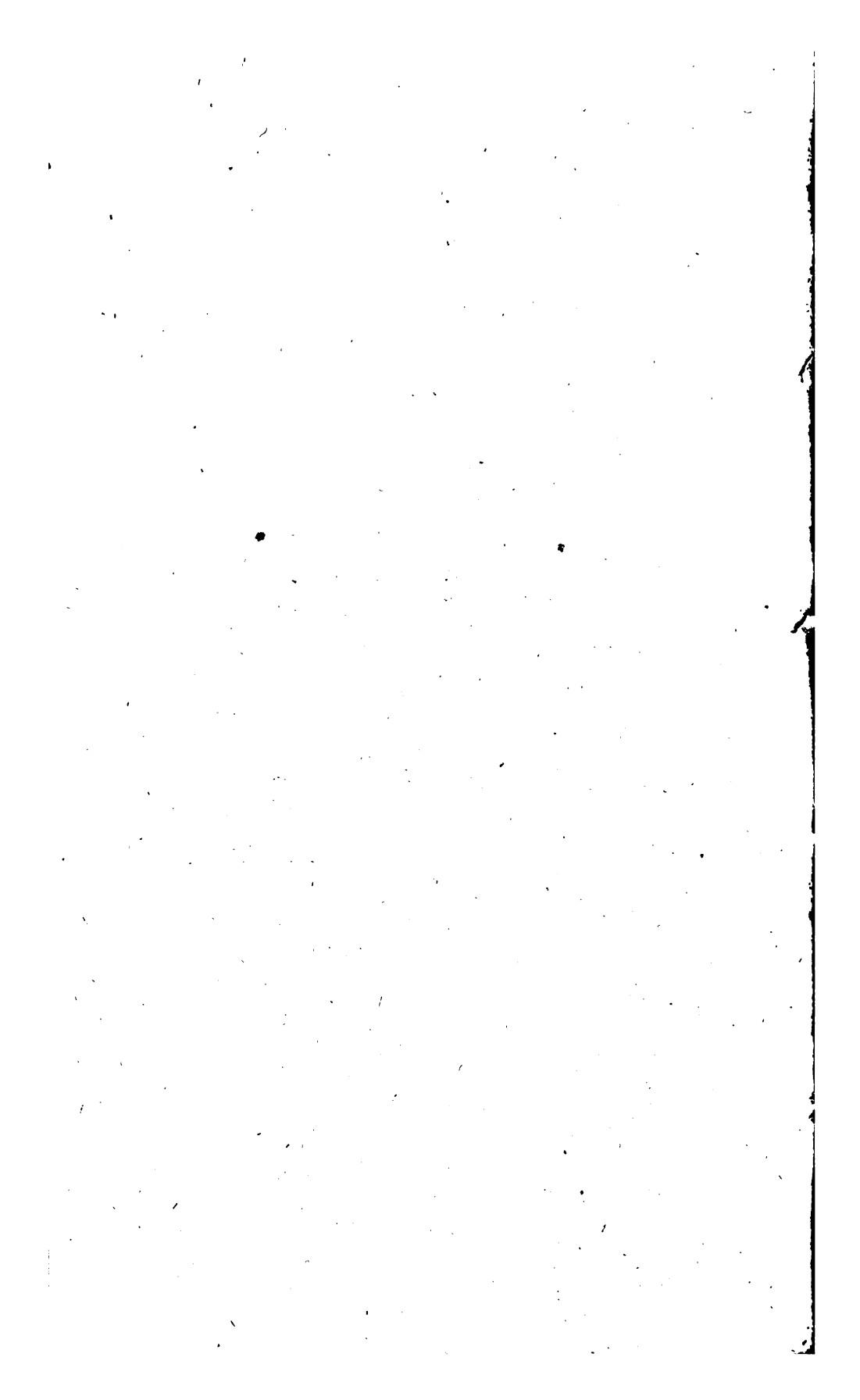
**A O T S**  
*Public and Private*  
OF THE  
**FIFTY-FIRST**  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF NEW-JERSEY,**

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-FOURTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX.



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Trenton:  
PRINTED BY JOSEPH JUSTICE.  
1826.



**A C T S**  
OF THE  
**FIFTY-FIRST**  
**GENERAL ASSEMBLY**  
OF THE  
**State of New-Jersey.**

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**AN ACT** to authorize Nancy Bonnel and Foster Day, administrators of Sylvanus Bonnel, deceased, to fulfil a contract for the sale of a certain tract of land and premises, made by the said Sylvanus Bonnel with Lynde Catlin.

**Sec. 1. BE IT ENACTED, by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Nancy Bonnel and Foster Day, administrators of Sylvanus Bonnel, deceased, be, and they are hereby authorized and empowered to make and execute a deed of conveyance in fee simple, to the said Lynde Catlin, of a certain tract of land and plantation in the township of Springfield, in the county of Essex, containing two hundred and six acres and fifty seven hundredths of an acre of land; commonly called the Crane farm, and which the said Sylvanus Bonnel, in his life time, did agree to convey to the said Lynde Catlin, and which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said tract of land and plantation, as if the same had been executed by the said Sylvanus Bonnel, in his life time.

Administrators empowered to convey certain real estate.

**Sec. 2. And be it enacted,** That the said administrators shall receive the money for which the said Sylvanus Bonnel, deceased, agreed to sell and convey the said lands, and pay the same to the heirs of the said S. Bonnel, deceased, in shares proportioned to their interest in said lands, or to their lawful guardians, unless the said money, or any part thereof, shall appear by the decree of the Orphans' Court, of the county of Essex, necessary in addition to the personal estate of the said deceased, to pay his debts, when the said money, or so much thereof as may be so necessary, shall by the decree of the said Court, be applied as assets

To whom the moneys are to be paid.

to the payment of such debts : *Provided nevertheless*, that the one third part of the said sum of money shall not be paid or applied as above directed until the death of the widow of the said Sylvanus Bonnel, and until that time, be put at interest, and the interest thereof paid to the said widow in lieu of her dower in said lands.

**Administrators to give security for the faithful performance of their duty.**

Sec. 3. *And be it enacted*, That before such deed shall be executed, the said administrators shall, with at least two sufficient sureties, freeholders and resident in this state, enter into bond to the Governor of this state, in the sum of eight thousand dollars, conditioned for the faithful performance of the duties and trusts created by this act; the bond to be approved of by the Orphans' Court of said county, and filed in the office of the Clerk thereof; which bond may be prosecuted by order of the Governor of the state, for the time being, upon the happening of any breach or breaches of the condition thereof, in behalf and for the use of all and every person or persons who may have sustained damage by reason of the said breach or breaches.

A. Passed October 30, 1826.

**Preamble.**

**AN ACT** to confirm the last will and testament of Cornelius Van Horn, late of the township of Franklin, in the county of Bergen, deceased.

**WHEREAS** Cornelius Van Horn, late of the county of Bergen, now deceased, made his last will and testament in writing, bearing date the nineteenth day of May, in the year of our Lord one thousand eight hundred and twenty-four, which said will has since the decease of the said testator, been duly proved, and recorded in the Surrogate's office of the county of Bergen; and *whereas* it appears that the said will was executed in the presence of two instrumental witnesses only, by reason whereof the same is ineffectual to convey real estate; and also that the said will directs the sale of the real estate, without authorizing any person or persons to sell the same, or to execute the proper and necessary conveyances therefor; and it appearing that the heirs and devisees of the said Cornelius Van Horn, deceased, one excepted, are desirous that the said last will and testament should be confirmed, and that the executors therein named should be clothed with full authority to sell and convey the real estate of the said deceased—  
**THEREFORE,**

See, 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said last will and testament of the said Cornelius Van Horn, deceased, bearing date the nineteenth day of May, in the year of our Lord one thousand eight hundred and twenty-four, shall be as good and valid in every respect as if the same had been made and executed in the presence of three subscribing witnesses, any law to the contrary notwithstanding.

Sec. 2. And be it enacted, That the executors in the said will named, the survivors or survivor of them be, and they are hereby authorized and empowered to sell the real estate of the deceased, according to the directions contained in said will, and to make and execute all necessary or proper conveyances to the purchaser or purchasers of the same.

A. and C. Passed November 6, 1826.

Will made va-  
lid.

Executors au-  
thorized to  
make convey-  
ances, &c.

#### AN ACT to declare the boundary line between the townships of Wantage and Frankford, in Sussex county.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the boundary line between the townships of Wantage and Frankford, shall begin at the present reputed corner of the aforesaid townships, and the township of Hardiston, and run in a direct course to the southwest corner of Joseph Dennis' plantation, which is designated by a heap or pile of stones, situated on a course south six degrees thirty minutes west, distant nine chains seventy-eight hundredths from the south corner of Jesse Dennis' dwelling house, also situated on a course south sixty-nine degrees fifteen minutes east, distant eight chains seventy-nine hundredths from the south east corner of John Clay's dwelling house; and also on a course south seventy-two degrees fifteen minutes east, from the southeast corner of Obadiah Pellet's dwelling house; the east corner of Beemar's Meeting house, bearing north nineteen degrees thirty minutes east, and the west corner of Deckertown church or Meeting house, bearing north forty degrees fifteen minutes east, and from the aforesaid heap or pile of stones, on a line parallel with the boundary line which divides the state of New-Jersey from the state of New-York, till it arrives at the northwesterly boundary of the said townships of Wantage and Frankford : *Provided always nevertheless,* that this act shall not effect any taxes or assessments heretofore made or imposed, but the same shall be collected and applied in the same manner as if this act had not passed.

Boundary line  
delineated, &c.

Proviso.

C. Passed November 6, 1826.

**AN ACT respecting the Bog and Fly Meadow in Morris County.**

Preamble.

**WHEREAS** in and by a certain act passed the eighteenth day of February, one thousand eight hundred and thirteen, entitled "An act to repeal an act passed the first day of June, seventeen hundred and eighty-six, authorizing Elias Boudinot, Samuel Bayard and Richard Kemble, Esquires, to drain and make partition of certain Bog or Fly Meadow in Morris County," John Outwater was directed and authorized to pay to the Treasurer of this State certain moneys, to remain with the said Treasurer, subject to the claims of the representatives of Nicholas Bayard, who by the said act were notified to exhibit and substantiate their claim by a due course of law: *And whereas*, no such claim has ever been preferred, *and whereas* probably, other persons are or may become equitably entitled to said money—**THEREFORE**,

Representatives of John Outwater to present to the Treasurer account, &c.

Treasurer to pay moneys, &c.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the legal representatives of the said John Outwater be, and hereby are directed on or before the first day of October next, to present to the Treasurer of this State, a full account of the receipts and disbursements of the moneys ordered to be paid to the Treasurer by the said act of February eighteenth, one thousand eight hundred and thirteen.

**Sec. 2. And be it enacted.** That the Treasurer of this State be, and hereby is authorized to pay over any moneys that have been, or may hereafter be received by him agreeably to the provisions of the said act of February eighteenth, one thousand eight hundred and thirteen, to such person or persons as by any court of law or equity having competent jurisdiction may be adjudged entitled to the same; said persons presenting to the Treasurer evidence of such adjudication.

A. Passed November 9, 1828.

**AN ACT to establish a new township in the county of Cape May, to be called the township of Dennis.**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that part of the Upper Township, in the county of Cape May, which lies within the boundaries and descriptions following, to wit: beginning at the mouth of West Creek,

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on Delaware Bay, the south corner of Cumberland county ; thence, by the said county, to the intersection of the old county or Cape May road ; thence, southeasterly, a direct course, to the head of Ludlam's creek, at the shore road ; thence, down said creek, to its mouth ; thence the course of the direct line, crossing Ludlam's sound and beach, to the Atlantic ocean ; thence, by the same, southwesterly, to the middle of Townsend's Inlet ; thence, by the Middle Township, to the Delaware Bay ; and thence, up the same, to the place of beginning ; shall be, and hereby is set off from the said Upper Township, in the county of Cape May, into a separate township, to be called and known by the name of the "Township of Dennis." *Provided,*

Name of the  
new township.

That this act shall not take effect and be in force, until from and after the first day of March next.

*Sec. 2. And be it enacted,* That the inhabitants of the said township of Dennis shall be, and hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Dennis, in the county of Cape May," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities as the inhabitants of the other townships in the said county of Cape May are or may be entitled or subject to by the existing laws of this state.

*Sec. 3. And be it enacted,* That the inhabitants of the township of Dennis shall hold their first town meeting at the inn of William Russel, in the said township of Dennis, on the day appointed by law for holding the annual town meetings in the other townships in the county of Cape May. *First meeting.*

*Sec. 4. And be it enacted,* That the town committees of the Upper Township and the township of Dennis, shall meet on the Monday next after the annual town meetings in the said Upper Township and the township of Dennis, at the inn of Amos Corson, in said Upper Township, at ten o'clock in the forenoon, and shall there and then proceed, by writing signed by a majority of those present, to allot and divide between the said townships all property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits, at the last assessment : and the inhabitants of the township of Dennis shall be liable to pay their just proportion of the debts, if any there should be ; and if any of the persons comprising either of the town committees should neglect or refuse to meet, as aforesaid, those assembled may proceed to make the said division ; and the decision of a majority of those present shall be final and conclusive.

Town com-  
mittees, &c.

C. Passed November 9, 1826.

**AN ACT authorizing Ferdinand S. Vanarsdalén, administrator, *de bonis non*, with the will, and codicil thereto annexed, of Cornelius Cornell, deceased, to sell and convey real estate.**

Preamble.

WHEREAS it appears that Cornelius Cornell, late of the county of Middlesex, deceased, at the time of his death left a last will and testament, and codicil thereto, in writing—his last will and testament bearing date the tenth day of November, in the year of our Lord one thousand eight hundred and eight, and his codicil thereto, the fifteenth day of March, eighteen hundred and nine, which will, and codicil thereto, have been duly proved and recorded, did authorize and empower his executors, therein named, to sell and dispose of all his real estate, either at public or private sale, as they should see fit. *And whereas* it appears that the said Cornelius Cornell did appoint John D. Van Lieu, and Frederick Van Lieu, executors of his said last will and testament, and codicil thereto, who renounced and refused to take upon themselves the burthen and execution thereof, by which means there is no person remaining, who is authorized to execute the trusts in said will expressed and limited, viz : that of selling said land and disposing of the moneys arising from the sale thereof, agreeably to the directions of said will and codicil. *And whereas* letters of administration, *de bonis non*, with the will, and codicil thereto annexed, have been duly granted by the Surrogate of the county of Middlesex, to Ferdinand S. Vanarsdalén; of the township of North Brunswick, in the said county of Middlesex—THEREFORE,

Powers of the trustee.

Sec. 1: BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Ferdinand S. Vanarsdalén, be, and he is hereby appointed a trustee, with full power, to sell and dispose of all or any land with the appurtenances belonging to the estate of the said Cornelius Cornell, deceased, for the best price that can be gotten for the same, and report such sale to the next subsequent Orphans' Court of the county of Middlesex, for their confirmation and allowance, and on said Court approving the same to make and execute a good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and to apply the moneys arising from such sale, after deducting his reasonable and necessary expenses, and a reasonable compensation for his services, to be allowed by the Orphans' Court of the said county of Middlesex, out of the same, in the manner expressed and limited in said will and codicil, and agreeably to the true intent and meaning thereof.

Sec. 2. *And be it enacted;* That before the said Ferdinand S. Vanarsdalén, shall enter upon the trust reposed in him by this

act, he shall enter into a bond with such securities, and in such amount, to the Governor of this state, as shall be approved of by the Surrogate of the said county of Middlesex, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the Secretary of state.

*Sec. 3. And be it enacted,* That the said Ferdinand S. Vanarsdalen shall, within six months after the sale of said land shall be completed, make and exhibit, under oath, unto the Surrogate of the said county of Middlesex, a true statement of the amount of the said sale, to be, by him, recorded and filed in his office, agreeably to law; and that the said Ferdinand S. Vanarsdalen, shall be accountable for all moneys received by him by virtue of this act.

C. Passed November 17, 1826.

**AN ACT to incorporate "The Convention of the Protestant Episcopal Church in the state of New-Jersey."**

*Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Rev. John Croes, Charles Wharton, John Croes, jr. George Y. Morehouse, Clarkson Dunn, Simon Wilmer, William L. Johnson, Matthew Mathews, Christian F. Cruse, and Benjamin Holmes, and Joseph Marsh, Robert Boggs, Zachariah Rossel, Christian Lazalere, George Haywood, Isaac Welsh, Joseph V. Clark, Charles C. Stratton, Enoch Aquis, Thomas Sinnickson, and Aaron Wright, and their associates, forming the Convention of the Protestant Episcopal Church in the state of New-Jersey, and their successors, duly appointed according to the constitution of the said church, shall be, and they are hereby made and constituted a corporation and body politic, in law and in fact, by the name and title of "The Convention of the Protestant Episcopal Church in the state of New-Jersey."

Style of the incorporation.

*Sec. 2. And be it enacted,* That the said corporation and their successors, by the name and title aforesaid, shall be able and capable, in law, to purchase, have, hold, take, use, and enjoy, in fee simple, or any life or other estate or estates, any lands, tenements, rents, liberties, privileges, franchises, or other hereditaments; and also any goods, chattels, moneys, legacies, donations, or other estate or property whatsoever, given or granted to the said convention, in any manner or way whatsoever: *Provided always,* that the income thereof shall not exceed the sum

Powers, &c.

Proviso.

of five thousand dollars per annum. *And further*, that all the estate, real, personal, and mixed, now belonging to, or held by the said convention, shall be vested in, and held and managed by the said corporation and their successors; and that the said corporation and their successors shall and may give, grant, sell, and convey, demise, assign, release, or otherwise dispose of, all or any of their messuages, houses, lands, tenements, rents, possessions, and other hereditaments and real estate, and all goods, chattels, and personal estate, and other things aforesaid, as to the said corporation shall seem meet; and that the said corporation shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts, and all and every other matter and thing therein to do, in as full and effectual a manner as any other person or persons, body politic or corporate, in this state, in the like cases, can or may do; and that they shall have full power to demand and receive, and, if need be, to sue for and recover all debts, rents, and legacies which are now due, or may become due to the said convention; and to demand, have, and take all deeds, bonds and mortgages, notes, books, and other writings or things which belong to the said convention; and shall and may have and use a common seal, with such device or devices as they shall think proper, and the same to break, renew, or alter at pleasure.

**Privileges, &c.**

**Treasurer, his  
duty, &c.**

**Proviso.**

Sec. 3. *And be it enacted*, That it shall be lawful for the said corporation to appoint a treasurer, during their pleasure, who shall hold and manage the said funds, subject to the instruction and control of the said corporation, and who shall render an account of the same at every annual meeting of the said corporation, and oftener if required, and give security for the faithful discharge of his duties, if required to do so, and pay out moneys, under such regulations and orders as the said corporation may, from time to time adopt: *Provided nevertheless*, and it is hereby enacted, that nothing in this act contained shall prevent the Legislature from altering, amending, or repealing the same, whenever, in their opinion, the public good requires it.

C. Passed November 20, 1826.

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**AN ACT** to vest in the United States of America the jurisdiction over a certain piece of land in the county of Monmouth.

**WHEREAS** Jonathan Thompson, on behalf of the United States of America, hath, by his memorial, represented to the Council and General Assembly, that he has purchased for the said United States, the piece of land, hereafter mentioned,

**Preamble.**

of Nimrod Woodward, of the county of Monmouth, for the purpose of erecting two light houses, and a dwelling house, thereon, and hath requested that the jurisdiction of this state over the said piece of land, be ceded to the United States of America; which request seems reasonable and proper—**THEREFORE,**

**Sec. 1.** BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the jurisdiction of the state of New-Jersey in and over all that certain piece or parcel of land situate, lying and being on the southerly point of the Highlands of Neversink, in the county of Monmouth, and state of New-Jersey, beginning at a stump and running thence, south sixty-six degrees and forty-five minutes east, three chains and forty-two links to a red cedar stump, thence, south ten degrees and forty-five minutes east, six chains and ninety-seven links to the division line between the lands now or late of Richard Hartshorn and the said Nimrod Woodward, thence, north along the said division line seventy-one degrees and fifteen minutes west, five chains and fifty links, thence, north six degrees and forty-five minutes east, passing over the centre of a very large stump, six chains and fifty-three links, to the place of beginning, be, and the same is hereby ceded to the United States of America, for and during such period of time only as the said property shall be used by the United States for the purposes expressed in this act: *Provided, nevertheless,* that such jurisdiction, so ceded to the said United States, shall not extend, nor be construed to extend so far as to prevent or impede the execution of any process of law, civil or criminal, under the authority of this state, except so far forth as any such process may affect the real or personal property of the United States of America, within the limits aforesaid.

**Sec. 2.** And be it enacted, That all the lands and tenements within the aforesaid boundaries shall, during the continuance of the jurisdiction, so ceded to the United States, as aforesaid, be, and remain exempted from all taxes, assessments, and other charges under and by virtue of any present or future law of this state.

C. and A. Passed November 23, 1826.

Boundaries of  
the land ced-  
ed.

Restriction,  
&c.

Exempted  
from taxes,  
&c.

#### AN ACT to authorize Samuel Richards to construct a break-water in the Bay of Delaware.

**Sec. 1.** BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Samuel Richards, of Philadelphia, is hereby au-

thorized to sink, build, erect or construct, one or more piers, wharves, or break-water, in the Bay of Delaware, at any place adjacent to the shore above the Light House, in the lower township in Cape May county, and below the mouth of Pond Creek in said township, not more than six hundred feet in length: *Provided always*, that the same shall not be sunk or constructed more than twenty rods from the beach, or where the water is more than ten feet deep at low water at an ordinary tide; and *provided also*, that he shall first obtain the license of the owner or owners of the land opposite to which the same may be so constructed.

**Sec. 2. And be it enacted,** That the sole and exclusive right title, use, possession, enjoyment, and benefit of, in, and to, any such break-water, piers or wharves, so erected as aforesaid, within said bounds, be, and is hereby fully vested in the said Samuel Richards, his heirs and assigns.

**A. Passed November 24, 1826.**

**AN ACT respecting the last Will and Testament of Samuel Bridge, deceased.**

**Preamble.**

WHEREAS it is represented to the Legislature that Samuel Bridge, heretofore residing in this state, but now deceased, was seized and possessed in his life time of considerable real and personal property, within this state, that the said Samuel Bridge lately died in Great Britain, having first there made, executed and published in due form of law, his last will and testament and several codicils thereto; that the said will and codicils have been duly proved in the proper office, and before the proper officer for that purpose, in that part of Great Britain in which the said Samuel Bridge died; that letters testamentary have been thereupon duly issued to some of the executors in the said will and codicils named, and who reside in that country; and that the said Samuel Bridge in and by his said will and codicils or one of them, appointed his brother Joel Bridge and his friend Daniel Oakey, of the city of New-York, merchant, executors thereof, and trustees of his property and estates in this country; but that the said will and codicils cannot be proved in this state in the manner required by the existing laws of this state, by reason of the original will and codicils thereto being in Great Britain, and because all the subscribing witnesses to the same reside in that country; and it being further represented that the said Joel Bridge has since also died—**THEREFORE,**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of**

*the same, That it shall and may be lawful for the Ordinary of this state, upon application made to him for that purpose by the said Daniel Oakey, to make an order, that cause be shewn before the said Ordinary at a certain time and place therein to be expressed, not less than one hundred and twenty days from the time of making such order, why a duly certified copy of the last will and testament and codicils thereto, of the said Samuel Bridge deceased, should not be filed and recorded in the Surrogate's office of the county of Essex, and letters testamentary whereupon be issued to the said Daniel Oakey; which order shall be advertised or published in such manner as the Ordinary shall direct.*

Ordinary authorized to make order, &c.

*Sec. 2. And be it enacted, That if the said Daniel Oakey at the time and place, so to be appointed by the Ordinary, or within a reasonable time thereafter, shall produce before him a copy of the last will and testament and of the codicils thereto of the said Samuel Bridge, and shall prove to the satisfaction of the Ordinary that the same is exemplified and attested to be a true copy thereof, in the manner in which copies of such instruments are usually exemplified in Great Britain, and shall also prove to the satisfaction of the Ordinary, that the said order has been duly advertised or published in the manner directed by the Ordinary; and if no sufficient cause shall appear, or be shewn by any person or persons to the contrary, it shall and may be lawful for the Ordinary to make an order, which shall be written on the back of such duly certified copy of the said will and testament and codicils thereto, authorizing and directing the Surrogate of the county of Essex, to record the said will and codicils, and to file the same according to law, and thereupon to grant letters testamentary to the said Daniel Oakey in due form of law, in the same manner, and which shall be of the same, and of no other force and effect, than such letters would be, if the said will and codicils had been proved by the subscribing witnesses thereto in the usual manner under the laws of this state; for all which services the same office fees shall be paid as in other cases of proving and recording wills.*

Will and Codicils to be recorded and filed, &c.

*Sec. 3. And be it enacted, That the record of such will and codicils, when the same shall have been recorded as aforesaid, and duly certified copies thereof shall be evidence in the same manner, and have the same force and effect, in all courts of law and equity, as such record and copies thereof would have if proved in the usual manner under the existing laws of this state.*

A. Passed November 27, 1826.

**AN ACT to authorize John Oothout, administrator of the goods and chattels, rights and credits of John Oothout, the elder, deceased, to convey and assure to Mary Lupp, during her life, with remainder in fee to Peter Lupp, a house and lot of land, in the city of New-Brunswick, and county of Somerset.**

**Preamble.**

**WHEREAS** it is fully testified to this Legislature, that John Oothout, the elder, being seized in his demesne as of fee, and being in the actual possession of all that certain messuage, tenement and lot of land which Robert Stockton, esq; late High Sheriff of the county of Somerset, sold and conveyed to Jacob R. Hardenbergh, by deed bearing date the third day of May, seventeen hundred and ninety-eight, situate, lying and being on the north side of French-street, in the city of New-Brunswick, said, formerly, to have been leased to Alexander Henry, deceased, being fifty feet front on said street, and extending one hundred and fifty feet on each side northwardly, bounded on the west by a lot formerly Derick Van Veghten's, and on the east side by a lot formerly William Oakes' including an alley in the rear of the said lot to where the fence formerly stood, being about forty feet, did on or about the eighth day of May, in the year of our Lord seventeen hundred and ninety-nine, agree to sell and convey the same premises, in full, simple, to Peter Lupp, the elder, of New-Brunswick, now deceased, for the sum of one thousand dollars; and the said Peter Lupp, the elder, paid to the said John Oothout, the elder, the sum of five hundred dollars, part of the said consideration money; and the said Peter Lupp, the elder, in pursuance of the said agreement, went into the actual possession of the said premises. *And whereas* the said John Oothout, the elder, after the making of the said agreement, departed this life, without having conveyed the said lot of land, and without having received the residue of the said purchase money; and John Oothout, the son of the said John Oothout, the elder, is administrator of all, and singular, the goods and chattels, rights and credits of the said John Oothout, the elder. *And whereas* the said Peter Lupp, the elder, on the twelfth day of May, in the year one thousand eight hundred and two, duly made and published his last will and testament, wherein, among other things, he did devise all the aforementioned lot of land and premises, together with all the rest and residue of his estate, real and personal, to the said Mary Lupp, his daughter-in-law, during her widowhood, with remainder in fee, to his grandchildren Samuel, Francis, Peter and Sarah Lupp, and the said Peter Lupp, the elder, afterwards departed this life, without having cancelled or revoked the said last will and testament; which said last will and testament was proved in due form of law, before the Surrogate of the county of Somerset; and the

said Samuel, Sarah and Francis Lupp, have also departed this life, intestate, and without issue. *And whereas* some of the persons to whom the said house and lot, so as aforesaid belonging to John Oothout, the elder, descended, are infants under the age of twenty-one years, and thus utterly incapable of conveying real estate. *And whereas* the said Mary Lupp, John Oothout, Peter Lupp, and Catalina Oothout, who is one of the heirs at law of the said John Oothout, the elder, have by their petition set forth the above facts, and duly verified the same, and have requested the Legislature to pass a law to enable and authorize John Oothout, administrator, as aforesaid, to carry into full effect the contract and agreement of his deceased father John Oothout, the elder, and to authorize the said John Oothout, administrator, as aforesaid, to grant, sell and convey the aforesaid lot of land and premises, to Mary Lupp, during her natural life, with remainder in fee, to the said Peter Lupp; and the prayer of the petitioners seems reasonable—

**THEREFORE,**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Oothout, administrator of the goods and chattels, rights and credits, of John Oothout, the elder, deceased, and he is hereby authorized to grant, convey and assure by deed, the aforesaid house and lot, to the said Mary Lupp, during her natural life, with remainder in fee simple, to the said Peter Lupp.

Administrator  
authorized to  
convey cer-  
tain real es-  
tate.

**Sec. 2. And be it enacted**, That the residue of the purchase money to be paid on the delivery of the deed aforesaid, shall be by the said John Oothout applied in a course of administration.

**Sec. 3. And be it enacted**, That the said John Oothout, before he enters upon the execution of the powers hereby created, shall give bond to the Governor of this state, in double the amount of the residue of the purchase money aforesaid, with sufficient surety to be judged of by the Surrogate of the county of Somerset, conditioned for the true and faithful performance of the several provisions of this act, which bond shall be deposited in the office of the Secretary of State by the Surrogate.

To give bond,  
&c.

**C. Passed November 29, 1826.**

**AN ACT** to divorce Ann M. Griffith from her husband William R. Griffith.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of

*the same,* That Ann M. Griffith be, and she is hereby divorced from her husband William R. Griffith, and the marriage contract heretofore existing between the said William R. Griffith and Ann Maria, his wife be, and the same is hereby dissolved as fully as if they never had been joined in matrimony.

Sec. 2. *And be it enacted,* That the children, the issue of the said marriage, be and they are hereby respectively committed to the care, protection and guardianship of Ann M. Griffith, their mother, until they respectively attain the age of twenty-one years, or until other guardians be lawfully appointed in her place.

C. Passed November 29, 1826.

AN ACT authorizing John Uron, Philip Pew, and others, to embank a tract of Meadow in the county of Gloucester.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of meadow and marsh, lying and being on the easterly side of Raccoon Creek, in the township of Westwich, in the county of Gloucester, beginning at Cold Sprout, the boundaries of the meadows, and style of the Company. thence along said run to Raccoon Creek, at the upper end of George V. Batten's bank, thence up said creek the several courses to Blackwood's Old Cross bank, thence along the bank to the fast land, to be formed into a company, and known by the name of "The Union Meadow Company on Raccoon Creek."

When to meet & choose managers.

Name of the present managers.

Sec. 2. *And be it enacted,* That a meeting of the owners in said company, shall be held on the first Wednesday of April, in each year; the first meeting to be held at the house now occupied by John Uron, and afterwards at such time and place as the said meeting shall direct, and then and there, by majority of votes, to choose one or more managers for the ensuing year, as they may think best and proper, each to be an owner or possessor of at least three acres of meadow within said company; but John Uron and Philip Pew, shall be managers until the annual meeting next after the passing of this act; and in case of any omission to choose a manager or managers at any annual meeting, the old manager or managers shall be continued until others are chosen; and in case of neglect to choose a manager or managers, or in case of the death, refusal, or imbecility of any person chosen, it shall be lawful for either of the managers, or any three of the owners, to call a meeting of said company by advertisements, to be set up at least ten days before the time of meeting.

In three of the most public places in the said township of Woolwich, and when met, to choose a manager or managers, as the case may require, who shall be vested with all the powers, and subject to the same penalties, as if chosen at the annual meeting.

**Sec. 3. And be it enacted,** That the bank or banks of said meadow, shall be put up and maintained by said company, each owner or possessor paying his or her ratable proportion thereof, according to the quantity and quality of the meadow so owned or occupied by them; and in case any owner or possessor shall neglect or refuse to pay their ratable proportion of the expense of said bank, then and in such case the manager or managers for the time being, shall present his or their account to the said delinquent owner or possessor, forthwith, under oath or affirmation, and on the neglect or refusal of the said owner or possessor to discharge the same within the space of twenty days after notice, in writing, it shall and may be lawful for the said manager or managers to advertise the meadow of the said owner or possessor so refusing or neglecting to pay, in three of the most public places in the said township, for the space of twenty days, and to sell, at public vendue, and execute a lease for the said meadow, for so long a time and no longer, as will be sufficient to discharge all the expenses which may have thereon accrued, and the sale and lease so made shall be considered good and effectual law.

On what conditions the banks to be kept up, &c.

**Sec. 4. And be it enacted,** That all sluices, dams and other necessary waterworks for the purpose of keeping out the tide, shall be constructed and erected at the common expense of the owners and possessors of said meadow; and any owner or possessor neglecting or refusing to pay their ratable proportion of the expense thereof, such delinquent shall be proceeded against as is directed in the third section of this act, respecting the embanking of said meadow; but all watercourses shall be kept open by the owner or possessor of the meadow through which the same may run, and on neglect or refusal of any owner or possessor to clear out and keep open the watercourses as aforesaid, after ten days notice thereof shall be given, in writing, to such defaulter by the manager or managers, then it shall and may be lawful for the manager or managers to cause the necessary work to be done, and to present his or their bill therefor, to said delinquent; and on refusal of payment by such delinquent, to advertise the meadow of the person or persons so refusing or neglecting to pay, and to sell the same as is directed in the third section of this act. *And whereas* a certain road now runs through the marsh, and will be necessary for the accommodation of the owners or possessors of said meadow, the owner or possessor thereof shall throw, or cause to be thrown, the mud or earth from out of the ditch or ditches adjoining and bounding said road, upon the same, for the better repair and maintaining thereof; and it shall be the duty of the owners and possessors, to cause their banks

Dams, sluices, &c. to be constructed and maintained at the common expense of the owners and possessors.

to be mown and cleared of all rubbish, twice in every year, once between the tenth day of June and the fourth day of July, and once between the first day of September and the first day of October; and if neglected ten days after either of the times above specified, the managers, or either of them, are required to enter upon the banks, and cause the work to be done; and they are authorized to recover the amount of the expenses which may accrue, as directed in the third section of this act.

*Sec. 5. And be it enacted,* That in case it should be necessary to remove the bank of any part of the meadow in said company, from the place where it formerly stood, and the owner of such part of the meadow cannot agree with the managers where a new one shall be erected, then it shall and may be lawful, that such owners shall choose one disinterested person, and the managers another, to determine where such bank shall be erected; and if they two so chosen, cannot agree, then such persons chosen, shall choose a third person, and the place agreed upon by the three persons so chosen, or any two of them, shall be the place for erecting such new bank upon; and that if it should appear necessary to open the sluice or sluices of said company, for the purpose of watering the meadow at any time, the managers shall give at least three days notice thereof to the owners and possessors of said meadow, by written notices forwarded to them; by advertisement, as the case may require, who shall meet and determine the same; but in no case shall both owner and possessor of the same piece of land be permitted to vote.

*Sec. 6. And be it enacted,* That for the purpose of improving said meadows, if any owners or possessors of said meadow may have a desire to improve his meadow by letting in the tide, he may do so, provided he cuts the bank any time between the first and twentieth days of December, yearly, and every year, by consent of a majority of the owners and possessors of said meadow: and provided also, that the said owner or possessor stops the same places where he cuts, on or before the twentieth day of March, next ensuing after cutting said bank; and if any owner or possessor shall neglect to stop and repair said bank so cut, it shall be the duty of the said manager or managers to enter on the same, and stop the places so cut, and repair the same, without giving notice to the owner or possessor, and the owners of said bank shall be at all the expense of stopping said places so cut, to be recovered as is directed by the third section of this act.

*Sec. 7. And it be enacted,* That if any person duly appointed a manager as aforesaid, and having accepted the appointment, shall neglect or refuse to perform any of the duties required of him by this act, he shall for every refusal, forfeit the sum of five dollars, to be recovered by action of debt by any owner or possessor, who may sue for the same, with costs of suit; and the fine so recovered, shall be paid to the succeeding manager or

On what event  
an umpire to  
be chosen to  
settle disputes,  
&c.

When & how  
the meadows  
may be over-  
flowed, &c.

Neglect of du-  
ty of a mana-  
ger how to be  
punished, &c.

managers, for the use of the company : *Provided*, that no manager shall be liable to be fined until after ten days notice, in writing from an owner or possessor, of the case requiring his attention.

**Sec. 8. And be it enacted,** That it shall be lawful for the managers to make assessments, and receive such sums of money as may be found necessary for the use of the said company, by tax upon all the meadow and marsh, which may be improved in said company, and shall produce the duplicate containing said assessment to the annual meeting, and at the same time render a true account of all moneys by them received and expended for the use of the company, for settlement, and shall pay the balance, if any be found in his or their hands, to the succeeding managers, who are authorized on failure of payment, to sue for and recover the same by action of debt, in any court having cognizance thereof, with costs of suit ; and the managers shall provide a book, in which shall be entered the proceedings of the annual and other meetings.

Managers empowered to assess, tax & collect the same money for the improvement of said meadows, &c.

**Sec. 9. And be it enacted,** That all the meadow and marsh, within the said company, shall be held liable for the money which may be assessed thereon for the use of said company ; and all the meadow and marsh of any individual, shall be held liable for the payment of any money which may be expended by the managers on the banks or watercourses belonging thereto, agreeably to the directions of this act, any sale or alienation thereof notwithstanding ; and the managers shall be entitled to receive ten per cent. upon all sums assessed and collected for the use of said company, and the same commissions upon all sums by them expended for the use of individuals, pursuant to the directions of this act.

The meadows liable, &c. for the payment of taxes.

**Sec. 10. And be it enacted,** That all line or division ditches between owners, shall be considered as watercourses, and being nine feet wide at the top, and four and a half feet wide at bottom, and three feet deep lying upon a mud or miry bottom, shall be taken and esteemed to be lawful fences within the said company, and for all trespasses done over or through them, damage shall be recoverable, as if done over any lawful fence.

Dimensions, &c. of line ditches to be considered lawful fences.

**Sec. 11. And be it enacted,** That the act entitled "An act to enable the owners and possessors of a certain tract or body of meadow, lying on the east side of Raccoon Creek, in the township of Woolwich, and county of Gloucester, to keep up and maintain the dams, tide bank, and other watercourses necessary to prevent the tide from overflowing the same, and to keep the watercourses and drains open and clean," passed the twenty-eighth day of February, one thousand eight hundred and one, be, and the same is hereby repealed.

Former act repealed.

C. Passed November 30, 1826.

**AN ACT** to divorce Matilda Cole from her husband William Cole.

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Matilda Cole, of the township of Nottingham, in the county of Burlington, be, and she is hereby divorced from her husband William Cole, of the same place; and that the marriage contract heretofore existing between the said William Cole and Matilda his wife, be, and the same is hereby dissolved.

C. Passed November 30, 1826.

**AN ACT** to authorize Elizabeth Bellis, William M. Bellis, and Ralph M. Bellis, administrators of Matthias Bellis, deceased, to convey certain real estate to William W. Bellis.

**Preamble.**

WHEREAS it hath been represented to the legislature, and appears that Matthias Bellis, in his life time, entered into a parol contract, to sell to William W. Bellis, the one equal undivided fifth part of a certain plantation, whereof William Bellis, senior, died seized, situate in the township of Anwell, in the county of Hunterdon, adjoining and bounded by land of Abraham Gulick, Peter S. Rockafeller, and others; containing about one hundred and thirty-one acres, be the same more or less, for the consideration of forty dollars per acre, in three payments; in pursuance of which, the said William W. Bellis, entered into possession of said premises, and the said Matthias Bellis afterwards departed this life, without having executed a title for the same, leaving several children his heirs at law, some of whom are minors—THEREFORE,

**Administrators authorized to convey real estate.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Elizabeth Bellis, William M. Bellis, and Ralph M. Bellis, administrators of the said Matthias Bellis, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said William W. Bellis, a good and sufficient deed of conveyance of the said bargained premises, him, the said William W. Bellis, his heirs and assigns in fee simple; upon his paying or securing to them, the said consideration money or the residue thereof, according to the terms of the said contract; and that such deed of conveyance, duly executed and acknowledged by them, or proved and recorded as the law directs, shall be valid and effectual to convey to the said William

W. Bellis, his heirs and assigns, all the estate and interest in the said bargained premises, which the said Matthias Bellis was seized of, or entitled unto, at the time of his death: *Provided however,* that the said deed of conveyance, shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatsoever, other than the said Matthias Bellis, deceased, and his heirs, and all persons claiming under him or them.

**Sec. 2. And be it enacted,** That before the said Elizabeth Bellis, William M. Bellis, and Ralph M. Bellis, administrators aforesaid, do enter upon the trust assigned to them by this act, they shall enter into bond to the Governor of this state, with sureties, and in such amount as shall be approved of by the Orphans' Court, of the county of Hunterdon, conditioned for the true performance of the trust assigned to them by this act, which bond shall be deposited in the office of the Secretary of state, by the Surrogate of the county of Hunterdon.

To give bond,  
&c.

C. Passed December 1, 1826.

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**SUPPLEMENT** to the act entitled "An act to incorporate the Newark Mutual Fire Assurance Company," passed the fourth day of November, in the year of our Lord one thousand eight hundred and eleven.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the act to which this is a supplement, and all the provisions thereof, except so far as the same shall be modified, altered or repealed by this act, shall be and the same is and are hereby extended and continued in force for and during the term of twenty years from and after the passing of this act.

**Sec. 2. And be it enacted.** That every person who shall be a member of the said company, on the first day of January, in the year of our Lord one thousand eight hundred and twenty-seven, and shall hold in his or her name any unexpired or renewed and subsisting policy of insurance which shall have been issued by the said company, or which shall have been unconditionally assigned to him or her with the consent and according to the rules and practice of said company, shall on the said first day of January, be entitled to receive from the board of directors of the said company, for the time being, a certificate signed by the president and secretary of the said company, expressing the amount of money that shall have been paid to the said company for premium, or premiums, on such unexpired or renewed policy,

including interest at the rate of six per cent. per annum, for the same from the time, such premium money was paid : *Provided*, that the policy on which such certificate shall be claimed shall have subsisted for at least five years next preceding the said first day of January : *Provided also*, that in case any member of the said company shall have died, who, if he or she had been living, would have been entitled to any such certificate under this act, his or her executors or administrators shall be entitled to and receive the same as such executor or administrator.

**Sec. 3. *And be it enacted*,** That on the first day of January in the year of our Lord one thousand eight hundred and twenty-eight, and on the first day of January in each and every year thereafter, during the continuance of this law, all such persons as shall be members of the said company and shall hold any unexpired or renewed policy of insurance, which shall have been issued by the said company, or which shall have been assigned to him or her unconditionally, shall be entitled to receive a like certificate as aforesaid, expressing the amount of money that shall have been paid to the said company for premium, or premiums, on such unexpired or renewed policy, but without any interest being added thereto : *Provided* such policy shall have been a subsisting policy for at least five years next preceding such first day of January.

**Sec. 4. *And be it enacted*,** That application for such certificates, by persons entitled thereto, shall be made to said board of directors, or to the president or secretary thereof, at the office of the said company, within twelve months after the day on which such person or persons shall become entitled to receive such certificate, or in default of such application the same shall be deemed and taken to have been relinquished to the company ; but all such certificates whenever issued shall bear date on the first or second day of the month of January of the year in which they may be issued ; and all such certificates shall be deemed and taken to be personal property, and shall be transferable on the books of the company, in such a manner and under such regulations, as the board of directors may from time to time order and appoint : *Provided always*, that no certificates shall be issued for any sum under five dollars, nor for any fractional part less than five dollars of any other sum, which if divided by five would leave a fractional part of five dollars ; but the person claiming such certificate may if he elects so to do, pay to the said company so much money as with such fractional part will be equal to five dollars, and thereupon receive a certificate for the same, otherwise such fractional part shall be deemed and taken to belong to the said company, and constitute a part of their funds.

**Sec. 5. *And be it enacted*,** That each of the certificates to be so granted and issued as aforesaid, shall be considered as representing so much of the capital stock or funds of the said company ; and the owner or owners thereof shall be entitled to re-

ceive interest or dividends on the same as is hereinafter provided for: *Provided always*, that no owner or owners of such certificates shall be entitled to vote at any election for officers of the said company, or be eligible to the office of a director, unless he or they shall at the time of such election, be also a member of the said company by having a subsisting policy of assurance in the said company, taken out in his own name, and having signed the articles of association.

**Sec. 6.** *And be it enacted*, That it shall and may be lawful for the directors of the said company, for the time being, annually or oftener, as they may see proper, to declare and cause to be paid to the holders of such certificates as aforesaid, dividends out of the interest money arising on the funds of the said company: *Provided always*, that such dividends shall not exceed the rate of four per centum per annum, on the amount for which certificates shall have been issued, until the capital fund belonging to the said company shall be equal to fifty thousand dollars, nor any dividends thereafter at any greater rate than lawful interest on the amount for which certificates shall have been issued, nor shall any dividend ever be made that shall impair the premium or deposit money.

**Sec. 7.** *And be it enacted*, That the said company may loan or put out their moneys or any part thereof, at interest on bonds and mortgages of real estate, or may invest the same or any part thereof, in government or other stock, and may from time to time call in such moneys or change such investments: *Provided always*, that nothing herein contained shall be so construed as to authorize the said company to carry on banking operations, or to issue bonds, notes, bills, or other securities for money, unless it be for debts actually due and owing by the said company, and arising out of their lawful and appropriate business, as a fire assurance company.

**Sec. 8.** *And be it enacted*, That it shall and may be lawful for the board of directors, for the time being, to allow and pay to the president, secretary, treasurer and other officers of the said company, such reasonable compensation for their services, respectively, as the directors shall deem proper.

**Sec. 9.** *And be it enacted*, That the present president and directors of the said company, shall continue in office until others are elected in the manner hereinafter prescribed.

**Sec. 10.** *And be it enacted*, That on the first Monday in January next, after the passing of this act, and on the first Monday in the month of January in each and every year thereafter, at the office of the said company, or at some other public and convenient place, in the town of Newark, in the county of Essex, and at such hour or hours of the day as the board of directors for the time being shall appoint, and of which notice shall be given as is directed in the act to which this a supplement, an

election shall be held for the choice of thirteen directors, by ballot, who, when elected, shall continue in office for one year and until others are elected in their stead : *Provided always*, that if the place of any director or directors shall become vacant during the year for which he or they shall have been elected, by death, resignation, removal out of the state, ceasing to be a member of the said company, accepting any office in or under any other fire assurance, or insurance company, or by neglecting for the space of six months to attend the meetings of the board of directors and to perform the duties of a director, that then such vacancy or vacancies shall be filled up by the board of directors at any regular meeting thereof, and the persons so appointed to supply such vacancy or vacancies, shall continue in office until others are elected in their stead agreeably, to the provisions of this act, and that to which this is a supplement : *Provided*, that if it shall so happen, that no election shall take place on the day above specified, then an election shall be held on such other day, within thirty days thereafter, as the board of directors shall appoint, and give notice of in the manner directed by the act to which this is a supplement.

**Sec. 11.** *And be it enacted*, That for the well ordering and conducting of every annual election of directors, it shall be the duty of the board, for the time being, previous to each election, to fix the place of holding the same, and the hour of the day when the poll shall be opened, and when the same shall be closed, and also to appoint at least three discreet persons to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election, until set aside by some court having competent authority to do so.

**Sec. 12.** *And be it enacted*, That so much of the act to which this is a supplement, as limits the duration of the said company to the term of twenty years ; and so much thereof, as requires one sixth part of the directors to go out of office annually, and all such other parts of the said act as are inconsistent with the provisions of this supplement, be, and the same is and are hereby repealed : *Provided always*, that the legislature shall have a right to alter or amend this act, or that to which this is a supplement, or in case of an abuse or misuse of the power and privileges thereby or hereby conferred on the said company, to repeal the same entirely.

C. Passed December 1, 1826.

**AN ACT** to revive and extend certain provisions of an act entitled "An act for the settlement of territorial limits and jurisdiction between the states of New-Jersey and New-York," passed December tenth, one thousand eight hundred and twenty-four.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the first and second sections of an act entitled "An act for the settlement of territorial limits and jurisdiction between the states of New-Jersey and New-York," passed December the tenth, one thousand eight hundred and twenty-four, and they are hereby revived and continued in force until the first day of November.

C. Passed December 1, 1826.

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**SUPPLEMENT** to an act entitled "An act to enable the owners and possessors of meadows and tide marsh, lying on Assiscunck Creek, within the limits of the city of Burlington, to erect and maintain a dam and other waterworks across the creek, in order to prevent the tide from overflowing the same, and to run a fence across a certain lane, called Pudding Lane, in the city of Burlington," passed June twenty-second, one thousand seven hundred and eighty-two.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That those persons, who at the time of the passing of this act are owners and possessors of meadows and tide marsh, lying on Assiscunck creek, within the limits of the city of Burlington, and who are the persons, or the successors, heirs, or assigns, of the persons, to whom certain privileges, immunities, and franchises were granted by the act to which this is a supplement, shall be, and they and their successors, heirs and assigns, are hereby made, and declared to be a body politic and corporate, by the name of "The Barrick Bank Company," and that incorporation Name of the incorporation  
all the goods, chattels, moneys, rights, credits, contracts, covenants, agreements, choses in actions, and all other property, real, personal, or mixed, and all demands whatsoever, now belonging to, or due and payable to, or held in trust for the said owners and possessors, by the name of "The Barrick Bank Company,"

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or any other name, shall be, and the same are hereby respectively transferred to, and vested in the said corporation, and the said corporation shall be, and they hereby are made liable to the payment of all moneys due, or to become due thereupon, from the said owners and possessors and to the performance of all contracts and agreements entered into, or made by them, as fully and amply, to all intents and purposes, as if made by the said corporation; and that the said "The Barrick Bank Company" shall be able to have, hold, demand, sue for, recover, receive, possess, enjoy and retain, all and singular the said goods, chattels, money, rights, credits, contracts, covenants, agreements, choses in action, and all other property, real, personal, or mixed, and other demands whatsoever, given, made, secured or entered into, to the said owners and possessors, by the name of "The Barrick Bank Company," or any other name, in as full and ample manner, as the said name had been given to them by the act to which this is a supplement.

C. Passed December 2, 1826.

**AN ACT** authorizing George W. Smith, administrator of all and singular the goods and chattels, rights and credits, which were of John Stilwell, deceased, with the last will and testament of the said John Stilwell, annexed, to sell and convey real estate.

Preamble.

WHEREAS the said John Stilwell, late of the township of Amwell, in the county of Hunterdon, by his last will and testament, executed in due form of law to pass real estate, and duly proved and recorded, bearing date the tenth day of August, in the year of our Lord one thousand eight hundred and twenty-five, did order his executors to sell his farm, on which he formerly, and Samuel Vancleve then lived, as soon as convenient after his decease; and also his Rockwood lot after the death of his wife, and dispose of the proceeds as therein directed, and thereof appointed John Laquear, Joab T. Mershon, and Jonathan Hunt, executors: *And whereas* the said John Laquear, Joab T. Mershon, and Jonathan Hunt, renounced the said executorship in due form of law, and afterwards, to wit: on the seventh day of September, in the year aforesaid, administration of all and singular the goods and chattels, rights and credits, which were of the said John Stilwell, deceased, with the last will and testament of the said John Stilwell, annexed, was granted in due form of law to George W. Smith, whereby the trusts created by the said will cannot be carried into effect, in consequence of no one hav-

ing a legal capacity to execute the power or authority to sell, contained in the said will: *And whereas*, the *ces tui que* trusts named in the said will, have by their petition, prayed, that the said administrator may be authorized to sell said lands, to carry into effect the said last will and testament—**THEREFORE**,

**Sec. 1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That George W. Smith, administrator of all and singular the goods and chattels, rights and credits, which were of John Stilwell, deceased, with the last will and testament of the said John Stilwell, annexed, be, and he hereby is authorized and empowered to sell and dispose of the lands and tenements, with the appurtenances of the said John Stilwell, deceased, ordered to be sold in and by his last will and testament, and to make conveyance or conveyances of the same, to any purchaser or purchasers, in as full and ample manner, to all intents and purposes, as if he, the said George W. Smith had been originally named and appointed the sole executor in the said last will and testament of the said John Stilwell, and that he be invested with all the powers and authorities given in and by the said will to the executors therein named, and subject to the same duties and obligations, and liable to the same responsibilities, as if he had been nominated and appointed executor therein, and letters testamentary had been thereupon granted to him; and that he pay and apply the moneys arising from the sale of the said real estate, in the manner limited and expressed in the said last will and testament, and agreeably to the true interest and meaning thereof: *Provided*, that before the said George W. Smith shall enter upon the trust reposed in him by this act, he shall enter into bond to the Governor of this state, in such sum, and with such sureties as shall be approved of by the Surrogate of the county of Hunterdon, conditioned for the true and faithful performance of the trusts reposed in him by this act, and created by the said last will and testament of the said John Stilwell, and deposit the same in the office of the Secretary of state.

Administrators authorized to sell and convey real estate,

C. Passed December 5, 1826.

AN ACT to confirm an acknowledgment of a certain deed therein mentioned.

WHEREAS it appears that Joseph Moore and Mary his wife, were, in their life time, seized in fee simple, each, in their own respective right, of sundry tracts and parcels of land, situated, part thereof in the county of Burlington, and part in the

Preamble.

county of Gloucester, and being so thereof seized, were desirous that the same, after the death of the survivor of them, should vest in their children and heirs, in certain proportions and divisions; whereupon, they, the said Joseph and Mary Moore, in order to make such distribution and division of their said real estate as they desired, did, by deed, duly executed, bearing date the fourth day of August, A. D. one thousand eight hundred and twenty-one, grant and convey all their said real estate, to John Evans, jun. under a special trust and confidence, that he, the said John Evans, jun. would after the death of the survivor of them, the said Joseph and Mary Moore, convey the said premises, so as aforesaid conveyed to him, to their children and heirs, according to the proportions and divisions in said deed of trust set forth and directed; and *whereas* the said Joseph and Mary Moore, have since departed this life; (the said Mary in a few days after the execution of the said deed) without making the necessary acknowledgment of the execution of the said deed, before any officer authorized by law to take and certify such acknowledgment, other than the said John Evans, jun. who is a party to the said deed; and *whereas* the said John Evans, jun. by reason of there being no other person present at the execution of the said deed, legally authorized to take and certify such acknowledgment of the same, by the said Joseph and Mary Moore, although a party to the said deed, but not immediately interested therein, hath certified the said acknowledgment to have been made according to the act of assembly in such case made and provided, whereby the legal force and effect of the said deed hath become matter of doubt and uncertainty, by reason of the acknowledgment thereof being taken and certified in manner aforesaid; and *whereas* all the children of the said Joseph and Mary Moore, that are now living, together with Samuel Burrough and Charles French, who were the husbands of Priscilla Burrough and Hannah French, two of the daughters of the said Joseph and Mary Moore, now deceased, leaving sundry minor children interested in the said real estate, and the fathers of the said minor children have applied to this legislature to confirm and make valid and effectual in law and equity the said deed, with all the provisions therein contained; all which appearing to this legislature to be true—**THEREFORE,**

*Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the acknowledgment made by the said Joseph and Mary Moore, at the time of the execution of the said deed before the said John Evans, jun. a commissioner duly appointed and authorized to take the acknowledgment and proof of deeds, as by him certified on the said deed, be, and the same is hereby*

*Confirmation  
of a deed, &c.*

confirmed and made valid and effectual in law and equity, as fully, to all intents and purposes, as if the said John Evans, jun. had not been a party to the said deed.

C. Passed December 6, 1826.

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**A FURTHER SUPPLEMENT** to an act, entitled "An act to incorporate a company to erect a Turnpike from Bordentown to South Amboy," passed February the sixteenth, one thousand eight hundred and sixteen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the directors of the said company shall cause to be constructed good and sufficient bridges, where necessary, on the line of said road, to be constructed not less than fourteen feet in breadth.

Sec. 2. And be it enacted, That so much of the fifth section of the act to which this is a supplement, as requires the bridges on the line of the said road, to be constructed not less than twenty-two feet in breadth, be, and the same is hereby repealed.

Sec. 3. And be it enacted, That the act entitled a further supplement to the act entitled "An act to incorporate a company to erect a turnpike from Bordentown to South Amboy," passed the twenty-ninth day of January, one thousand eight hundred and nineteen, be, and the same is hereby repealed.

C. Passed December 8, 1826.

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**AN ACT** to divorce Elizabeth C. Furman from her husband Howard Furman.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Elizabeth C. Furman, be, and she is hereby divorced from her husband Howard Furman, and that the marriage contract heretofore existing between the said Howard Furman and Elizabeth C. his wife, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

C. Passed December 8, 1826.

**AN ACT** to appoint commissioners to sell and convey real estate, for purposes therein expressed.

**Preamble.**

WHEREAS Ephraim G. McKay, deceased, in his life time, John T. Duychinck, George H. Stout, and James Ryno, purchased of John H. Linn and wife, certain premises, which were conveyed to the said Ephraim G. McKay, and his heirs, in fee simple, by deed bearing date the twenty-ninth of December, one thousand eight hundred and twenty-five, and are described therein in words or in substance as follows, viz:— all those two lots of land situate, lying and being, in the city of New-Brunswick, county of Middlesex, and state of New-Jersey, described in a deed from Abraham Schuyler, Sheriff, to Lewis Dunham, bearing date January twenty-fourth, one thousand seven hundred and eighty-five, beginning on the north side of Prince-street, on the southwesterly corner of the lot sold to Abraham Bennett, thence running along side Prince-street south eighty-three degrees, west seven chains and fifty links, thence north seven degrees, west four chains and three links along the line of a lot sold to Azariah Dunham, thence north eighty-three degrees, east seven chains and fifty links along the line of James Parker's lot, thence south seven degrees, east four chains and three links along said Bennett's line to the place of beginning, containing three acres, more or less. The said Ephraim G. McKay, in his life time, John T. Duychinck, George H. Stout, and James Ryno, also purchased of Lewis Dunham and Catharine his wife, which was conveyed by deed in February, one thousand eight hundred and twenty-six, to the said Ephraim G. McKay and his heirs, in fee simple, and are described therein, in words or in substance as follows, viz : the first lot situate on the south side of Prince-street, beginning at the northwesterly corner of the lot formerly sold to James Parker, thence running south seven degrees, east three chains and fifty links along said Parker's line, thence south eighty-three degrees, west four chains and sixty-three links along the line of Henry Guest, thence north seven degrees, west along Moses Scott's line three chains and fifty links, thence north eighty-three degrees, east along Prince-street four chains and sixty-three links, to the place of beginning, containing one acre and sixty-two hundredths of an acre ; also all those four lots situate on the south side of Prince-street aforesaid, beginning at the intersections of George and Prince streets, and from thence running along said Prince-street south eighty-three degrees, west six chains and eighty-six links to the above described lot, thence along the same lot south seven degrees, east three chains and fifty links to Levi-mus Clarkson's line, thence along said Clarkson's line north eighty-three degrees, east four chains and fifty links to Minne Voorhees' line, thence along said Voorhees' line north seven

degrees, west one chain and thirty-two links, thence north seven degrees, east two chains and thirty-six links to said George-street, thence along said George-street north seven degrees, west two chains and eighteen links to the place of beginning: bounded northerly on said Prince-street, westwardly on the first described lot, southwardly on Levimus Clarkson's lot, and easterly on George-street: *And whereas*, the said premises were purchased as aforesaid, for the purpose of being resold in smaller parcels in a short period, and for convenience in making out the title deeds and conveyances to purchasers, the conveyances from the said Lian and wife, and from the said Dunham and wife, by previous arrangements between the parties in interest, were made to the said Ephraim G. McKay; *and whereas*, afterwards by an indenture quartuplicate between the said Ephraim G. McKay, John T. Duychinck, James Ryno, and George H. Stout, bearing date the twenty-first of February, one thousand eight hundred and twenty-six, in which the said premises are recited and set forth, it was declared by the said Ephraim G. McKay, and agreed by and between him and the other parties thereto, that he, the said Ephraim G. McKay, held, and would continue to hold the said conveyances to him the said premises therein described, with the appurtenances, to himself and his heirs in trust, for the equal and mutual use and benefit of them, the said Ephraim G. McKay, John T. Duychinck, James Ryno, and George H. Stout, and their heirs for ever, as tenants in common, each having an equal undivided fourth part thereof in fee simple, as by the said indenture, reference being thereunto had, will fully appear: Afterwards, the said Ephraim G. McKay, John T. Duychinck, and George H. Stout, agreed with the said James Ryno, in consideration of his right and interest in the residue of said premises to be transferred to them, to pay him the sum of fifty dollars, and to convey to him, in fee simple, absolute in severalty, a lot of land, parcel of said premises, forty-six feet eight inches front on George-street, and the same width in the rear, and one hundred and fifty feet deep, which was accordingly conveyed to him, and the said money paid to him; and thereupon the said James Ryno, by a deed under his hand and seal, duly executed by him, bearing date the ninth of May, one thousand eight hundred and twenty-six, in consideration of the said conveyance, and of the said sum of fifty dollars, did bargain and sell, release and convey, unto the said Ephraim G. McKay, John T. Duychinck, and George H. Stout, and their heirs, all his right, title and interest in and to all and singular the residue of the said premises, and every part thereof: *Whereas* a mortgage given to William Richmond, by a former owner of a part of the premises, was a lien on such part of the said premises, and subsequent to the settlement as aforesaid, with the said James Ryno, the same has been paid off and satisfied; and the said Ephraim G. McKay, in his life, and John

T. Duychinck, and George H. Stout, had before his death, paid up and satisfied their full proportion, viz: each one third part of the purchase money of the said premises, and were each entitled in equity to an equal undivided third part thereof, in fee simple; *and whereas* some time in the latter part of June last, the said Ephraim G. McKay, and the said John T. Duychinck, and George H. Stout, entered into an agreement with the board of chosen freeholders of the county of Middlesex, to sell to them in fee simple, for the consideration of sixteen hundred dollars, to be paid on or before the tenth of May, which will be in the year of our Lord one thousand eight hundred and twenty-eight, a part of the above mentioned premises, viz: the lots of land first above described, and purchased of John H. Linn, and wife, as before stated: The said Ephraim G. McKay, was about the first day of July last, taken sick and confined to his bed, where he languished till the twenty-fourth day of July, when he departed this life, intestate, leaving Elizabeth McKay, his widow, and George McKay, his only child, and heir at law, and leaving personal estate, more than sufficient to pay off and satisfy all his debts: Shortly after the death of the said Ephraim G. McKay, letters of administration were granted in due form by the Surrogate of the county of Middlesex, to the said Elizabeth McKay, and Richard B. Duychinck, whereby they become administrators of all and singular the goods and chattels, rights and credits, which were of the said Ephraim G. McKay, deceased. Letters of guardianship have also issued in due form, by order of the Orphans' Court of said county of Middlesex, unto the said George H. Stout, whereby he become the guardian of the said George McKay, who is a minor, of the age of five years, or thereabouts; *and whereas* the said John T. Duychinck, George H. Stout, on his own behalf, and as guardian for the said George McKay, Elizabeth McKay, and Richard B. Duychinck: the administrators, &c. of the said Ephraim G. McKay, deceased, have, by their petition to the honorable the Legislature of this state, set forth, among other things, the above recited premises, and that in consequence of the death of the said Ephraim G. McKay, and the minority of his heir, and his consequent inability to act in the premises, the parties interested are prevented from completing the said sale to the chosen freeholders of the county of Middlesex, and from selling the remainder of said premises as originally contemplated, and therefore the said petitioners have prayed that an act be passed, vesting all and singular the above described premises, excepting the said lot transferred and released as aforesaid to the said James Ryne, and all the right, title and interest of the petitioners, and of the said George McKay, in three commissioners, the survivors and survivor of them in fee simple, to be disposed of for the benefit of the parties interested, and praying further aid in the premises; and it appearing reason-

able and just that the prayer of the petitioners be granted—  
THEREFORE,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all and singular the right, title, interest, property, claim and demand whatsoever, of, in, and to the above described premises, (excepting the lot so as aforesaid transferred and released to James Ryno,) as described in the said indenture, *quarti partite*, and which were vested in the said Ephraim G. McKay, in his life time, at law, and in the said Ephraim G. McKay, John T. Duychinck, and George H. Stout, in equity, shall be, and hereby is vested in, and given to Nicholas Boeram, Peter P. Runyan, and William Schenck, the survivors and survivor of them, and their and his heirs and assigns for ever, in fee simple, and the same shall hereafter be considered, taken and admitted in all courts of law and equity, to be vested in them, the said Nicholas Boeram, Peter P. Runyan, and William Schenck, and the survivors and survivor of them, in fee simple, as aforesaid, any law, usage, or custom, to the contrary notwithstanding, subject nevertheless, to the conditions, trust, and directions hereinaster mentioned and directed.

Name of commissioners, &c.

Sec. 2. And be it enacted, That the said Nicholas Boeram, Peter P. Runyan, and William Schenck, the survivors and survivor of them, and their heirs, shall sell and convey unto the chosen freeholders of the county of Middlesex, in fee simple, the premises so as aforesaid agreed to be sold to them, upon their complying with the said agreement.

Authorized to convey certain bargained premises to the chosen freeholders of Middlesex,

Sec. 3. And be it enacted, That the said commissioners, the survivors or survivor of them, and their heirs, shall sell and convey the residue of the said premises vested in them as aforesaid, and in case of failure on the part of the chosen freeholders of the county of Middlesex, to comply with their said agreement, shall sell and convey the premises so aforesaid agreed to be conveyed to them, in fee simple, either at public or at private sale, together or in parcels, for cash or upon credit, as in their discretion they may think most advisable, and for the best interest of the parties concerned; and in case of a sale or sales upon credit, they shall take good and sufficient security for the purchase money.

or otherwise, as the case may be.

Sec. 4. And be it enacted, That the purchase money and proceeds of such sale or sales, so to be made by the commissioners as aforesaid, and the purchase money and proceeds of the sale to the chosen freeholders of the county of Middlesex aforesaid, shall when received by said commissioners, after deducting reasonable commissions, costs and expenses, be disposed of as follows, viz: one third part thereof shall be immediately paid over to the said John T. Duychinck, or his lawful representatives, one other third part thereof shall be immediately paid over to the

How to dispose of the amount of sales, &c.

Proviso

said George H. Stout, or his lawful representatives; and in respect to the remaining third part thereof, two third parts thereof shall be paid over to the lawful guardian of the said George McKay, for the time being, and the remaining third part thereof shall be put out at interest, upon good and sufficient real security, the interest to be reserved and payable semi-annually; and the said interest shall be by the said commissioners collected and received, and immediately paid over to the said Elizabeth McKay, during her life time; and upon her death, the said principal sum shall be paid over to the said George McKay, or if under age; to his lawful guardian, for the use and benefit of the said George McKay: *Provided always*, that nothing in this act contained, shall be construed to affect or otherwise invalidate the right, title, or claim, of any other person or persons whatever, holding or claiming under any other person or persons whatever, excepting the said petitioners, and the said Ephraim G. McKay, deceased.

C. Passed December 8, 1826.

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**A SUPPLEMENT** to an act entitled "An act to incorporate the President, Directors and Company of the Farmers' Bank of New-Jersey," passed January twenty-sixth, one thousand eight hundred and fifteen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the directors of the Farmers' Bank of New-Jersey, shall yearly and every year hereafter, on the day of the general election of said directors proceed to choose, by ballot, one of their number as president, who shall be an inhabitant of the county of Burlington; and that so much of the second article of the fifth section of the charter of the said bank, as relates to the appointment of a president, be, and the same is hereby repealed: *Provided*, that this act shall be of no force or effect, unless the same be agreed to by a majority of the stockholders of the said bank at their next general meeting.

C. Passed December 11, 1826.

A SUPPLEMENT to the act entitled "An act for the preservation of sheep," passed the ninth day of June, one thousand eight hundred and twenty.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the taxes collected in the several townships in the county of Morris, by virtue of the act to which this is a supplement, shall be appropriated in such manner as the inhabitants of the said townships of the county of Morris, at their annual town meeting, shall order and direct.

Sec. 2. And be it enacted, That so much of the fifth and seventh sections of the act, to which this is a supplement, as comes within the purview of this act, be, and the same are hereby repealed.

C. Passed December 12, 1826.

A SUPPLEMENT to an act entitled "An act for the relief of the heirs of William Vibbert, deceased, and others.

WHEREAS in and by an act, entitled "An act for the relief of the heirs of William Vibbert, deceased, and others, passed the twenty-eighth day of December, one thousand eight hundred and twenty-four, William Rickey, and Joseph Edsall, were appointed trustees for the purpose of receiving and making certain conveyances in the said act mentioned: And whereas the said William Rickey, one of the said trustees, after the passing of the said act, and before the execution of the trust therein mentioned, or either of them, departed this life—THEREFORE,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph Edsall, the surviving trustee, be, and he is hereby authorized and empowered to make and execute the conveyance specified in the second section of the act to which this is a supplement, and also to receive the conveyance specified in the first section of said act; and that the said conveyances when received and executed as aforesaid, shall be as valid and effectual as if the same had been received and executed by both trustees, in the life time of the said William Rickey, agreeably to the provisions of said act.

C. and A. December 13, 1826.

**AN ACT respecting the real estate of John Patrick, deceased.**

**Preamble.**

**WHEREAS** Mary Ann Patrick, of the city of Perth Amboy, in the county of Middlesex, hath by her petition to the Legislature, represented, that she is the widow of John Patrick, late of the said city, deceased, who has died intestate, and without issue, leaving no relations, except such as are aliens, resident in Scotland, and who have never been within the United States  
**—THEREFORE,**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all the right, title and interest which the state of New-Jersey may have acquired, by reason of the death of the said John Patrick, and the alienism of his relatives, of, in, or to the real estate, within this state, whereof the said John Patrick died seized and possessed, be, and the same is hereby relinquished and released, to, and vested in the said Mary Ann Patrick, the widow of the said John Patrick, her heirs and assigns, for ever, in as full and ample a manner, to all intents and purposes, as if the same had been devised and bequeathed to her by the said John Patrick, by any last will and testament, duly executed and published in his life time, subject nevertheless to the payment of the debts of the said John Patrick: **Provided always** that nothing herein contained, shall be construed or intended to bar, or preclude, or in any wise affect the right, title or interest, which the heirs of the said John Patrick, or any other person or persons, may have to the said real estate, or any part thereof.

C. and A. Passed December 13, 1826.

**AN ACT for the encouragement of Fire Companies.**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all persons who now are, or hereafter shall become and continue, actual members of any regular fire company or association, who now are, or hereafter shall be possessed of a fire engine, and which said fire company or association, shall consist of not less than sixteen men, and not more than thirty men, be, and they are hereby exempted from militia duty in time of peace.

C. Passed December 14, 1826.

**AN ACT to divorce Abigail H. Pearsall, from her husband Peter R. Pearsall.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Abigail H. Pearsall, be, and she is hereby divorced from her husband Peter R. Pearsall, and that the marriage contract heretofore existing between the said Peter R. Pearsall and Abigail his wife, be, and the same is hereby dissolved.

C. Passed December 14, 1826.

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**AN ACT to authorize the chosen freeholders of the county of Monmouth, to build a bridge over the north branch of Neversink river.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That it shall and may be lawful for the chosen freeholders of the county of Monmouth, or a majority of them, to erect, or cause to be erected, a good and sufficient bridge over the north branch of Neversink river, from lands of James Grover, in the township of Middletown, to lands of Tylee Williams, in the township of Shrewsbury, with or without a draw in the same, at their discretion.

C. Passed December 14, 1826.

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**AN ACT to divorce Mary Ann Boyd from her husband James Boyd.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the marriage contract heretofore existing between Mary Ann Boyd and James Boyd, of the county of Middlesex, be, and the same is hereby dissolved.

**Sec. 2. And be it enacted,** That the issue of said marriage be, and is hereby committed to the care, protection and guardianship of Mary Ann Boyd, until it attains the age of twenty-one years, or until another guardian be appointed in her place.

C. Passed December 14, 1826.

**AN ACT** further supplementary to an act entitled "An act to incorporate a part of the township of Trenton, in the county of Hunterdon," passed November thirteenth, one thousand seven hundred and ninety-two.

Thirteen assistants henceforth to be chosen; their powers, &c.

**Proviso.**

To license inn-keepers, &c.

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the freeholders and inhabitants of the city of Trenton, at their annual town meetings hereafter to be held, shall choose thirteen assistants instead of six, as directed in the second and third sections of the act to which this is a supplement, which said assistants, or a majority of them, shall have the power, from time to time, and at all times hereafter, to hold a common council within the said city, at such time and place as is now appointed, or may hereafter be appointed, by the ordinances of the said common council, and to make such by-laws, ordinances and regulations, in writing, not inconsistent with the laws and constitution of this state, or of the United States, as to them shall appear necessary for the good government of the said city and the inhabitants thereof, and for the regulation and paving of the streets and highways of the said city, and the same to put in execution, revoke, alter, and make anew, as to them shall appear necessary and convenient; and to appoint a president, city treasurer, marshal, clerk of the market, and such other subordinate officers as they may think necessary, for the good government of the said city; and by ordinance to require such security from the said several officers, and to annex such fees to the several offices of the said corporation, and to impose such fines for the refusal of office or neglect of duty or misconduct in the same, as to them shall appear necessary; and to make, limit, impose, and tax reasonable fines, penalties, and amercements against all and upon all persons who shall offend against the laws, ordinances and regulations of the corporation, made as aforesaid; and all and every such fines and amercements, to take, demand, require, and levy, of the goods and chattels of such offender, by warrant issued under the hand and seal of the mayor, recorder, or either of the aldermen, directed to the marshal of the said city, who is hereby authorized and required to execute the same: *Provided always*, that any person who may think himself aggrieved by the judgment, order, or decision, of the said mayor, recorder, or either of the aldermen, may appeal to the common council, who are hereby required to hear his or her cause of complaint, and to do therein what unto them shall appear just and equitable; and that the said common council, or a majority of them, in common council met as aforesaid, shall have the sole, only, and exclusive right and power of licensing all and every innkeeper, tavern-keeper, and retailer of spirituous liquors, residing within the said city, subject to the same provisions, and in

like manner, as the same may be lawfully done by the courts of general quarter sessions of the peace in this state.

Sec. 2. *And be it enacted*, That from and after the passing of this act, the court of general quarter sessions of the peace of the city of Trenton, shall be held on the first Tuesday of January, the third Tuesday of April, the first Tuesday of July, and the third Tuesday of September, annually.

Sec. 3. *And be it enacted*, That the by-laws, ordinances and regulations, of the common council, made after the next annual town meeting, shall begin in the following manner, to wit : "Be it ordained and enacted by the citizens of the city of Trenton, in Common Council assembled, and it is hereby enacted by the authority of the same;" and that all ordinances, by-laws, and regulations now in force, made by the mayor, recorder, aldermen, and assistants, of the city of Trenton, shall continue in force until repealed, revoked, altered, or supplied, by the common council.

Sec. 4. *And be it enacted*, That the fourth and fifth sections of the act to which this is a supplement, and so much of the said act, or the act supplementary thereto, as comes within the purview of this act, and is inconsistent therewith, be, and the same is, hereby repealed.

C. Passed December 14, 1826.

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### AN ACT to incorporate the Franklin Copper Mining Company.

WHEREAS Joshua Forman has, by his petition, set forth, that he has engaged in working a copper mine in the township of Woodbridge, in the county of Middlesex, and has also taken a lease of a copper mine at Rocky Hill, in the county of Somerset, which he intends to open and work, and requested the Legislature to pass an act incorporating him and his future associates, for the purpose of enabling them to work said mines, and any other mines they may hereafter purchase in the state of New-Jersey ; and also, to smelt the ores and manufacture the copper they may raise therefrom : *And whereas* it is for the public interest, that the mines of this state should be worked—THEREFORE,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joshua Forman, and such persons as may hereafter be associated with him for the purposes aforesaid, shall

When courts  
are to be held.

Form of en-  
acting clause  
of ordinances,  
&c.

What sections  
of a former  
act repealed.

Preamble.

Name and style of the incorporation; powers, privileges, &c.

be, and are hereby ordained, constituted and declared, to be a body corporate and politic, in fact and in name, by the name of "The Franklin Copper Mining Company," and by that name, they, and their successors and assigns, shall and may have continual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and change and alter the same at pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandize whatsoever, necessary to the object of this incorporation: *Provided*, as a consideration of this grant, and all the rights, powers, privileges, and franchises herein and hereby enacted or granted, are upon this express condition, that if at any time hereafter, the powers hereby granted shall be misused or perverted to improper purposes, or in case any of the provisions of this act shall be found to operate injuriously to the interest of the people of this state, it shall be lawful for the legislature of this state to alter, amend or repeal this act, as to the said legislature shall seem expedient and proper.

**Sec. 2. And be it enacted,** That the stock, property, concerns and affairs of the said incorporation, shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January in each year, at such time of the day, and at such place, in the city of New-Brunswick, as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the city of New-Brunswick, and in one printed in the city of New-York; and the election shall then and there be made, by such of the stockholders as shall attend for that purpose in person, or by proxy; and all elections shall be by ballot, each share having one vote, and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed in like manner to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall happen, at any time, among the directors, by death, removal, resignation or otherwise, such vacancy shall be filled for the remainder of the year, in which the same shall happen, by such person or persons, as the remainder of the directors, for the time being, or a majority of them shall appoint; *provided*, the persons so to be elected and appointed directors, shall be citizens of the United States.

Elections to be by ballot.

Vacancies how to be filled.

Proviso.

**Sec. 3. And be it enacted,** That in case it shall at any time happen, that an election of directors shall not be made on the day that pursuant to this act it ought to be made, the corpor-

tion shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be provided for by the by-laws and ordinances of said corporation, and the directors for the time being, shall hold their offices until others are chosen in their stead; and the first meeting for the election of directors, shall be held pursuant to ten days written notice, to be given by the said Joshua Forman to each of the subscribers to the stock of this incorporation, of the time and place of holding such election; at which time and place the subscribers so assembled, shall in manner aforesaid, proceed to elect seven directors, who shall hold their offices until the first Monday of January next, thereafter, or until others are chosen in their stead.

When elections may be held on a different day, &c.

**Sec. 4.** *And be it enacted,* That the capital stock of said corporation shall not exceed five hundred thousand dollars, and that a share in said stock shall be one hundred dollars; and it shall be lawful for such president and directors to call for and demand of the stockholders respectively, all such sums of money as shall by them be subscribed, at such times and in such proportions as they shall deem fit, under the pain of the forfeiture of their shares and all previous payments made thereon; always giving, at least, thirty days notice of such call and demand in the newspapers above mentioned: *Provided*, the said capital shall be employed solely for the purpose of working copper mines in the state of New-Jersey, and in smelting the ores, and manufacturing the copper raised therefrom, as set forth in the preamble of this act.

Amount of capital stock.

Proviso.

**Sec. 5.** *And be it enacted,* That a majority of the directors, at the time being, shall form a board or quorum for the transaction of the business of the corporation; and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States, or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; the duties and conduct of the officers, clerks, artificers, servants and labourers employed by them; the election of directors and all such other matters as pertain to the concerns of said corporation; and shall have power to employ so many officers, clerks and servants for carrying on the business, and with such salaries and allowances as to them shall seem meet and proper.

Majority of the directors a quorum.

**Sec. 6.** *And be it enacted,* That nothing in this act contained, shall authorize said company to use its funds for banking operations, or the loan of moneys, or for any other purposes than those herein before mentioned.

Banking operations prevented.

**Sec. 7.** *And be it enacted,* That the stock of the said company shall be deemed personal estate, and shall be transferrable in such manner as shall be prescribed by the by-laws of said corporation, and no transfer of stock shall be valid or effectual.

Stock to be considered personal estate.

until such transfer shall be entered or registered in the books of said president and directors kept for that purpose; which books shall at all times be open to the inspection of the stockholders of said company.

Members of  
the company  
to be individu-  
ally respon-  
sible.

Sec. 8. *And be it enacted*, That for all debts due and owing by said company, the persons then composing said company shall be individually responsible to an amount over and above the respective shares in the stock of said company, equal to the amount of said shares and no further; but this shall not be construed to exempt said corporation, or any estate real or personal, which they may hold in their corporate capacity, from being liable for such debts.

Sec. 9. *And be it enacted*, That the said corporation shall be subject to the several provisions of an act, entitled "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," passed the eighth day of December, in the year of our Lord one thousand eight hundred and twenty-five,

C. and A. Passed December 14, 1826.

**AN ACT** to erect the village of New-Mills, in the county of Burlington, into a borough, to be called the borough of Pemberton.

Boundaries of  
the borough.

Sec. 1. *BE IT ENACTED* by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the village of New-Mills, situated part in the township of New-Hudson, and part in the township of Northampton, in the county aforesaid, shall be, and hereby is, erected into a borough, to be called and known by the name of the borough of Pemberton; the extent of which borough is and shall be comprised within the following bounds, to wit: beginning in the public road leading from the said village of New-Mills to Juliustown, where Budd's run crosses the same, and running from thence down the said Budd's run to the main north branch of the Rancocas creek, thence along the said creek to the mouth of Birch run, thence up the said Birch run, crossing the public road leading from said village of New-Mills to Mount Holly, to intersect a line running along the south side of Nicholas-street, thence along the said line and the south side of Nicholas-street, crossing the public road leading from New-Mills to Vincent town until it intersects Goldy run, thence down the said Goldy run to the said Rancocas creek, thence up the said creek to a line between the lands of Anthony,

S. Earle and Thomas R. Howell, thence along said line crossing the public road leading from New-Mills to Hanover Furnace, and along the line between the lands of Thomas Swaim and John Bodine, to a small run of water running through Joseph Murphy's meadow, thence down the said run to Budd's run, thence down the said Budd's run to the place of beginning; and that the freeholders and inhabitants residing within the limits of the said borough, and their successors hereafter shall be one body corporate and politic, in deed and in name, and by the name of the burgess and inhabitants of the borough of Pemberton, one body corporate and politic in deed and in name, are hereby fully erected, constituted, and confirmed; and by the name of the burgess and inhabitants of the borough of Pemberton, shall have perpetual succession, and by that name shall, at all times hereafter, be able and capable in law to acquire, have, hold, and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple, or for term of life or lives, year or years, or otherwise, and also goods and chattels, and all other things of whatever kind soever, with power to give, grant, sell, assign, transfer, or lease, such real and personal estate, and to do, execute, and perform all and every act, matter, or thing, necessary and proper to be done in and about the same, and by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts of law or equity in this state, and to make and use a common seal, and the same to alter or renew at pleasure.

Name of the incorporation, powers, and privileges.

Sec. 2. *And be it enacted*, That it shall and may be lawful for all free white male inhabitants above the age of twenty-one years, and who shall have resided within the limits of the borough aforesaid, for the space of six months immediately preceding the day of election, to meet at the house now occupied by Samuel Cline in the said borough, on the first Monday of May next, at the hour of two in the afternoon of that day, and then and there, by plurality of votes, elect one reputable freeholder residing within the limits of the said borough, to be chief burgess of the said borough, and six reputable freeholders, being inhabitants of the said borough, to be called the council of the said borough: that the said chief burgess and council of the borough, so to be elected, shall meet at the place aforesaid on the Thursday next ensuing the election, at the hour of two in the afternoon of that day, and prior to entering upon the duties of their office, shall take and subscribe an oath or affirmation of office; which oath or affirmation any justice of the peace of the county aforesaid, is hereby authorized to administer; and whereupon the said chief burgess and council shall proceed to elect one of the members of the said council to the office of assistant burgess, one suitable person to be the clerk of the said borough, and who, by virtue of his said office, shall be treasurer

Qualifications of electors.

Time of choosing officers.

Oath of office.

of the said corporation, and one, or more, suitable persons to be marshals of the said borough; and the said chief burgess, assistant burgess, council, clerk, and marshals of the said borough, shall continue in office for the term of one year.

*Sec. 3. And be it enacted, That it shall and may be lawful for the inhabitants of the said borough, qualified to vote as aforesaid, to meet on the first Monday in May, in the year one thousand eight hundred and twenty-eight, and annually at such time and place as shall be designated in an ordinance of the said borough, and by plurality of votes, elect one reputable freeholder residing within the said borough, to be chief burgess, six respectable freeholders residing within the said borough to be the council of the said borough, and that the chief burgess and council shall appoint the assistant burgess, clerk and marshals, of the said borough in the manner aforesaid, and continue in office for one year, or until others are chosen in their places, as aforesaid; but in case it should so happen that the said election should not take place on the day and place by law designated, the corporation shall not for that cause be dissolved, but the said election may be had and made at such other day and time as may be provided for by an ordinance of the said borough.*

*Sec. 5. And be it enacted, That it shall and may be lawful for the said chief burgess, assistant burgess, and council, when met, and after they have taken and subscribed the oath or affirmation prescribed by law, to enact, make and ordain, all such ordinances, by-laws and regulations, as they or a majority of them may deem proper, for the better regulation of the streets, lanes, and alleys within the said borough; and to do and perform all other matters and things incident to a corporation; *Provided*, the same shall not be repugnant to the constitution and laws of this state, or of the United States.*

**Sec. 6.** *And be it enacted*, That whenever any ordinance or by-law of the said corporation shall be passed, directing the raising any tax to, and for the use of, the said corporation, it shall be assessed by the assistant burgess, upon the inhabitants and property within the said borough, in the same ratio as the last sum and county tax in the county of Burlington was raised and assessed; and it shall be the duty of the said assistant burgess, within twenty days after the passing of any ordinance of the said corpo-

## Taxes how to be assessed, collected, &c.

By-laws, &c.  
may be made.

## **Proviso.**

ration, for the raising of any sum or sums of money within the said corporation, to assess the same in manner aforesaid, and to give notice thereof to the inhabitants of the said borough, by advertisements put up in three of the most public places within the same, setting forth that the said assessment will be laid before the chief burgess, and council, on a certain day therein to be named, not less than five nor more than ten days from the making the said assessment, for their confirmation; and it shall and may be lawful for any person who thinks him or herself aggrieved by any assessment so made, to appear before the said chief burgess and council on the day named in the said advertisement, and make known his or her complaint; and the said chief burgess and council shall forthwith proceed to hear and determine such appeal, and to grant such relief in the premises as they or a majority of them may deem equitable and just; and upon the assessment so made or altered, being approved of by the said chief burgess and council, they shall order and direct that the same be handed over to the treasurer of the said corporation for collection.

*Sec. 7. And be it enacted,* That it shall be the duty of the treasurer of the said corporation, to whom shall be delivered the said assessment for collection as aforesaid, to give notice thereof to the inhabitants of the said borough, by advertisements put up at three of the most public places within the same, setting forth that the said tax is due, and that unless the same is paid to him within sixty days from the date of the said advertisement, the names of all delinquents will be returned to the chief burgess; and it is hereby made the duty of such treasurer to make such return, and thereupon the said chief burgess is hereby authorized and required to issue his warrant, under his hand and seal, directed to a marshal of the said borough, requiring him to collect the said tax by distress and sale of the goods and chattels of such delinquents within the said borough, and to pay the same to the treasurer of the said corporation, within thirty days from the date of the said warrant.

*Sec. 8. And be it enacted,* That it shall be the duty of the chief burgess and council of the said borough to keep a record of all their proceedings, and cause the same, and all ordinances and by-laws by them to be enacted and passed, to be fairly engrossed, and entered at large in a book, to be procured by the said corporation, and kept for that purpose; and the clerk of the said corporation shall have the custody of the seal of the said corporation, and of all the books and papers belonging to the same, and shall produce the same at all meetings of the burgess and council, and shall also attend such meetings in person, and perform such duties as by the by-laws and regulations of the said corporation shall be required; and shall be entitled to receive and take such fees for his services in his said office, as may be allowed by the by-laws of the said corporation.

Appeals to be heard.

Taxes how to be collected.

Book of records to be kept, &c.

*Conservators  
of the peace.*

Sec. 9. *And be it enacted,* That the said chief burgess and assistant burgess, shall be within the corporate bounds of the said borough, conservators of the peace, by virtue of their said office; and for the better preserving the peace of the said state, within the said borough, shall have and exercise the same powers and authorities as justices of the peace have and exercise under the act, entitled "An act suppressing vice and immorality," passed March seventeenth, A. D. one thousand seven hundred and ninety-eight.

*To license tav-  
ern keepers.*

*Proviso.*

Sec. 10. *And be it enacted,* That the said burgess and council of the said borough, at their annual, or other meetings, shall have the exclusive power to license all, and every inn keeper, tavern keeper, and retailer of spirituous liquors, residing within the said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the court of general quarter sessions of the peace of said county: *Provided*, the sum directed to be paid by such inn keeper, tavern keeper, or retailer of spirituous liquors, for such license, be paid over to the county collector of the county of Burlington, for the use of said county.

C. Passed December 15, 1826.

*Preamble.*

AN ACT to authorize Rebecca Snowhill, widow of George Snowhill, deceased, to make sale of certain real estate.

*Certain real  
estate autho-  
rized to be  
sold.*

WHEREAS Rebecca Snowhill, widow of George Snowhill, deceased, has represented in her petition, that her husband, the said George Snowhill, died intestate, leaving James E. Snowhill, his only child and heir at law; that the real estate, of which the said George Snowhill died seized, was the one undivided half part of certain mills, with the appurtenances hereinafter more particularly described; that she, the said Rebecca Snowhill, has been duly appointed guardian of the said James E. Snowhill. *And whereas* it has been represented that it would be for the advantage of the said James E. Snowhill, that the said real estate should be sold, and the money arising from said sale be placed out at interest—

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Rebecca Snowhill, widow of George Snowhill, late of the township of South Amboy, in the county of Middlesex, deceased, be, and she hereby is authorized and empowered to sell at public vendue, the one undivided half part of certain

mill and lot of land, with the appurtenances, situate in the township of South Amboy aforesaid, containing one hundred and twenty-one acres, more or less; being the same premises which William W. Conover, and Catharine, his wife, by deed, bearing date the third day of May, one thousand eight hundred and twenty-four, bargained, sold and assured in fee simple, to the said George Snowhill, in his life time, and upon such sale thereof to make, execute, and deliver to the purchaser or purchasers, deed of conveyance; which deed of conveyance so made, executed and delivered, as aforesaid, shall be as good and effectual, in law, as if made and executed by the said George Snowhill, in his life time: *Provided*, that no deed or conveyance of such lands or real estate, made by the said Rebecca Snowhill, shall be valid or effectual, unless it be certified in or upon such deed or conveyance, by George T. M'Dowell and Robert M'Chesney, or the survivor of them, under their hands and seals, that such sale is made *bona fide*, and for the highest price that could be obtained for such property at the time of the said sale.

Proviso.

Sec. 2. *And be it enacted*, That before the said Rebecca Snowhill shall enter upon the execution of the trust reposed in her, by this act, she shall enter into bond, with such sureties, and in such amount, to the Governor of this state, as shall be approved of by the Orphans' court of the county of Middlesex, conditioned for the faithful performance of the trust reposed in her by this act, which bond shall be deposited in the office of the Secretary of this state, by the Surrogate of the said county of Middlesex.

Bond to be given.

Sec. 3. *And be it enacted*, That the said Rebecca Snowhill, shall within six months after the sale of the said real estate, make, subscribe and exhibit, under oath, unto the Surrogate of the said county of Middlesex, an exact statement of the amount of the said sale, to be by him recorded and filed in his office agreeably to law; and that the said Rebecca Snowhill, shall be accountable for all moneys by her received by virtue of this act.

Account of sales to be made, &amp;c.

Sec. 4. *And it be enacted*, That the said Rebecca Snowhill shall place out at interest the moneys arising from such sale, after deducting the expenses incident thereto, and apply one third part of the said interest to her own use, as the widow of the said George Snowhill, deceased, and the remaining two thirds of said interest to the use of the said James E. Snowhill: *Provided*, that nothing in this act shall be construed to prevent the said Rebecca Snowhill from applying a part of, or the whole, if necessary, of the principal, to the support and education of the said James E. Snowhill, under the direction and decree of the Orphans' court of the county of Middlesex.

Moneys to be placed at interest.

C. Passed December 15, 1826.

**AN ACT establishing an independent battalion in the county of Salem.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the uniform companies commanded by captains Green, Johnson, Foster, Nichols, and Clawson, of the Salem brigade, be, and the said companies hereby are set off and formed into an independent battalion, to be attached to the said brigade, and shall be denominated the first independent battalion of said brigade.

**Sec. 2. And be it enacted,** That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings, by battalion, the second Monday in May, and by battalion, for exercise and inspection, on the second Monday in June; and the said battalion shall be entitled to all the privileges, and subjected to all the penalties, an independent battalion may, by the militia law of this state, be subjected to.

A. Passed December 15, 1826.

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**AN ACT to change the time of holding certain courts in the county of Warren.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the courts of common pleas, courts of general quarter sessions of the peace, circuit court, and court of oyer and terminer, and general jail delivery, in, and for the county of Warren, heretofore, by law, directed to be held on the third Tuesday in November, shall hereafter be held on the first Tuesday next succeeding the fourth Tuesday in November, annually.

A. Passed December 16, 1826.

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**AN ACT to change the time of the regimental musters of the Warren brigade.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of**

*the same,* That the regimental musters in the Warren brigade, shall commence on the last Monday in May, in each year, and the regiments and, independent battalions, now formed, or that may hereafter be formed in said brigade, shall succeed each other in the same order, and continue to observe every other matter and thing in the same manner as is now enjoined by an act, entitled "An act establishing a militia system," passed the eighteenth day of February, one thousand eight hundred and fifteen, and the several supplements thereto.

Sec. 2. *And be it enacted,* That so much of the act, entitled "An act establishing a militia system," passed the eighteenth day of February, one thousand eight hundred and fifteen, and the several supplements thereto, as come within the purview of this act, shall not be construed as applying to the Warren brigade.

C. Passed December 16, 1826.

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**AN ACT** to promote the making of a turnpike road from Deckertown, in the county of Sussex, to the Delaware, nearly opposite to Milford, in the state of Pennsylvania.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of *the same,* That the Treasurer of this state, be, and he hereby is authorized and directed to subscribe, in behalf of this state, for the sum of five thousand dollars of the capital stock authorized to be raised by the act, entitled "An act to authorize a turnpike road to be made from Deckertown, in the county of Sussex, to the Delaware, nearly opposite to Milford, in the state of Pennsylvania," and the several acts supplementary thereto, and revive and continue the same in force: *Provided,* that the said sum of five thousand dollars, shall not be paid until the said road be fully completed, and a certificate of such completion be duly made, as the law directs.

Sec. 2. *And be it enacted,* That the Treasurer of this state shall pay to the president and directors of the Paterson and Hamburgh turnpike company, the said sum of five thousand dollars, upon his receiving the certificate of the completion of the road by the commissioners as aforesaid.

C. Passed December 16, 1826.

**AN ACT** establishing an independent battalion within the bounds  
of the first regiment of the Burlington brigade.

**Sec. 1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the uniform companies, commanded by captains Joseph A. Clark, Joseph Kirkbride, William Edwards, Joseph Budd, Joseph Lippincott, and Joseph J. Budd, of the first regiment of the Burlington brigade, be, and the said companies hereby are set off, and formed into an independent battalion.

**Sec. 2. And be it enacted,** That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings; by battalion the third Monday in May; and by battalion for inspection on the second Monday in June: and the said battalion shall be entitled to all the privileges, and subjected to all the penalties an independent battalion may, by the militia law of this state, be subjected to.

C. Passed December 18, 1826.

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**AN ACT** to authorize the Treasurer of this state to loan surplus money, and for other purposes.

**Sec. 1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Treasurer of this state, and it is hereby made his duty, to loan at the best rate of interest he can procure, not exceeding lawful interest, on the pledge of United States' stock, or United States' bank stock, at a rate not above its par value, as collateral security, any surplus money in the treasury of this state, not otherwise appropriated, not already authorized to be invested by the trustees of the school fund, as the same shall from time to time accrue; and it shall be the duty of the treasurer to loan the same on such terms of credit as will enable him to receive the said moneys again, so as to meet the demands on the treasury.

**Sec. 2. And be it enacted,** That the treasurer of this state, under and by the direction of the trustees of the school fund, be, and be is hereby authorized to change the investment of the school fund, or any part thereof, by selling any of the stocks, the interest whereof is applied to the said fund, and investing the same in any of the public stocks of the United States.

C. and A. Passed December 19, 1826.

**AN ACT** for the relief of the New-Jersey Delaware Oyster Company.

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the times of payment of the several sums required by the act, entitled "An act incorporating the New-Jersey Delaware Oyster Company," passed December eighth, one thousand eight hundred and twenty-five, to be paid by the said New-Jersey Delaware Oyster Company, to the Treasurer of this state, be prolonged for the term of one year from the several times at which said payments, respectively, are made due and payable by said act; and that the powers and privileges vested in said company, be extended for one year longer than the time limited in said act: *Provided*, that nothing herein contained shall be so construed as to confirm any acts or proceedings of the said company, or of any persons claiming corporate powers under and by virtue of the said act, which are not authorized thereby.

C. and A. Passed December 19, 1826.

**AN ACT** to authorize David Rockefeller, and Joseph Ott, administrators of Joseph Rockefeller, deceased, to convey certain real estate to John Merrit.

WHEREAS it has been represented to the legislature, and it appears that Joseph Rockefeller, late of the county of Northumberland, and commonwealth of Pennsylvania, in his life time, had entered into an agreement, in writing, bearing date on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty-two, to sell to one John Merrit, of the township of Greenwich, and then county of Sussex, now Warren, in the state of New-Jersey, a certain lot of land, in the said township of Greenwich, called lot number three in the division of the real estate late of Joseph Osman, of the said county of Sussex, deceased, (being part of the homestead farm,) containing forty-four acres of land; and had also entered into another agreement, in writing, bearing date on the eighteenth day of March, in the year of our Lord one thousand eight hundred and twenty-four, to sell to the said John Merrit, a certain lot of woodland, adjoining lands of Adam Ramsey, and others, in the township of Oxford, in said county, called lot number one, in the division of the said real estate, containing thirty-three acres, which last agreement was

Preamble.

not attested in such form as to enable the Orphans' court to decree a fulfilment thereof; that the said John Merrit had entered into possession of said premises, and paid part of the purchase money to the said Joseph Rockefeller, in his life time, who afterwards died intestate, leaving children who are minors—**THEREFORE,**

*Administrators empowered to convey real estate of certain bargained premises, &c.*

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That David Rockefeller, and Joseph Ott, of the said county of Northumberland, administrators of the said Joseph Rockefeller, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said John Merrit, a good and sufficient deed or deeds of conveyance of the said bargained premises, to hold to him, the said John Merrit, his heirs and assigns, in fee simple, upon his paying, or securing to them the consideration money, or the residue thereof, according to the terms of the said contracts; and that such deed or deeds of conveyance, duly executed and proved, or acknowledged by them, and recorded as the law directs, shall be valid and effectual to convey to the said John Merrit, his heirs and assigns, all the estate and interest in the said bargained premises, which the said Joseph Rockefeller was seized of, or entitled at the time of his death: *Provided*, that the said deed or deeds of conveyance, shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatsoever, other than the said Joseph Rockefeller, deceased, and his heirs, and all persons claiming under him or them.**

*To give bond, &c.*

**Sec. 2. And be it enacted, That the said administrators, before they proceed to execute the said deed or deeds of conveyance, in this act mentioned, shall enter into a bond, with two good and sufficient securities, inhabitants of this state, to the Governor of this state, to be executed before, and approved of by the Surrogate of the county of Warren, in the penal sum of two thousand dollars, conditioned for the faithful application of the money so by them to be received, in a due course of administration of the estate of their intestate, which bond shall be filed in the office of the Surrogate of the said county of Warren,**

**C. Passed December 21, 1826.**

### **AN ACT for the relief of John N. Simpson.**

*Preamble.*

**WHEREAS the legislature of this state did, in the year one thousand eight hundred and sixteen, pass an act, making an appropriation for exploring and ascertaining the most practi-**

cable route for a canal to connect the tide waters of the Delaware and Raritan, and appointing Messrs. Rutherford, Holcombe, and John N. Simpson, commissioners for that purpose; that in pursuance of this appointment the said commissioners explored the intervening country, employed a competent engineer, caused a survey to be made, and a level to be run, and made their report to the succeeding legislature; that the first appropriation proving insufficient to meet the expense, a second was granted, of which it appears, by an inspection of the Treasurer's accounts, there yet remains unexpended the sum of seven hundred and forty-eight dollars: and whereas it appears, that the said John N. Simpson, one of the commissioners as aforesaid, has not received the least remuneration for the services rendered by him, and as it is doubted from the length of time that has elapsed, whether the Treasurer is authorized to allow any claim for the said services—**THEREFORE,**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the Treasurer of this state, be, and he is hereby authorized and directed to pay to John N. Simpson, the sum of one hundred dollars, to remunerate him for services rendered to this state.

C. Passed December 21, 1826.

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**AN ACT to incorporate the Dover Manufacturing Company.**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joseph Blackwell, and Henry McFarlan, and such others as now are, or hereafter may be, associated with them, be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Dover Manufacturing Company," for the sole purpose of manufacturing iron, chain cables, and other articles, at Dover, in the county of Morris, in this state, and carrying on the business incident to their said manufactory, in the county aforesaid, and by that name, they and their successors and assigns, shall, and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they, and their successors, may have

Name and  
style of the  
incorporation;  
their powers  
and privileges.

**Proviso.**

a common seal, and make, change, and alter the same at pleasure, and that they, and their successors, by the same name and style, shall be capable of purchasing, holding, using, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the said real estate, to be purchased and held, shall be such only as is now owned by the said Joseph Blackwell, and Henry McFarlan, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established, and such as shall have been *bona fide* mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

**Amount of stock.**

**Sec. 2.** *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall, nevertheless, be lawful for the said corporation, when, and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed and paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned.

**May extend their capital, &c.****Number of directors.**

**Sec. 3.** *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by nine directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least ten shares, and shall be citizens of the United States; and the said directors shall hereafter be elected on the first Monday in August, in each and every year, at such hour of the day, and at such place, as the board of directors, for the time being, shall appoint, of which election public notice shall be given in two of the public newspapers printed in Morristown and Newark, at least twenty days immediately preceding such election; and such election shall be held under the inspection of three stockholders, not being directors, to be appointed previously to every election, by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election.

**Commissioners to open books, &c.**

**Sec. 4.** *And be it enacted*, That Henry McFarlan, William Scott, and Joseph Dickerson, jun. shall be commissioners, whose duty it shall be, at some suitable place, in the county of Morris, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days public notice shall be given,

by the said commissioners, of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, in two of the public newspapers printed in New-Jersey; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, to choose nine directors, and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities, received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

Amount of the  
first instal-  
ment, when  
to be paid.

**Sec. 5. And be it enacted,** That the directors first chosen, or that may hereafter be chosen, shall as soon as may be after their appointment, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in the case of the death, resignation, or inability to serve, of the president, or any directors, of the said corporation, such vacancy or vacancies may be filled, for the remainder of the year, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation provide.

President to  
be chosen.

Vacancies  
how supplied.

**Sec. 6. And be it enacted,** That if it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Election may  
be held at dif-  
ferent times.

**Sec. 7. And be it enacted,** That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall, from time to time, make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance, of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid, or secured to be paid, to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Stock assign-  
able and trans-  
ferable, and to  
be considered  
personal pro-  
perty, &c.

**A majority of directors to form a board, &c and have power to appoint committees, and to make by-laws, &c.**

**Sec. 8. And be it enacted,** That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation, and all questions before them shall be decided by a majority of voices, and they shall have power to appoint committees of directors, and one or more assistants; and also to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation, as they shall deem expedient; and shall also have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation; the compensation of wages, and the duties, powers and conduct of the officers and servants thereof; the election and meeting of directors; the transfer of shares; the management, and conducting of the business of the said corporation, and all matters appertaining thereto; and such by-laws, rules, and regulations, at their discretion to repeal, alter, or modify: *Provided* that such by-laws, rules, or regulations shall not be repugnant to the constitution and laws of this state, or of the United States.

**Books of accounts to be kept; and open to inspection of the stockholders.**

**Sec. 9. And be it enacted,** That the directors shall, at all times, keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the transactions of said corporation; which books shall be subject, at all times, to the inspection of the stockholders of the company.

**Transfer of stock to be registered.**

**Sec. 10. And be it enacted,** That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept; by the president and directors, for that purpose.

**Banking operations prohibited.**

**Sec. 11. And be it enacted,** That the corporation hereby created, shall not engage in any banking business.

**Legislature may modify or repeal.**

**Sec. 12. And be it enacted,** That the legislature may alter, modify or repeal this act whenever, in their opinion, the public good requires it.

C. Passed December 22, 1826.

### AN ACT to incorporate the Woodbury Fire Association.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of

*the same,* That all the proprietors of dwelling houses, stores, buildings, and other edifices, of the value of one hundred dollars, and upwards, liable to injury by fire, in the town of Woodbury, in the county of Gloucester, within the following boundaries and limits, to wit: beginning at a stone in the centre of the main road to Camden, where the middle of Woodbury creek crosses the same, and running thence down the creek, and bounding thereon, to a station sixty rods at a right angle from the said Camden road, thence running southwardly, by a line parallel to the main street of Woodbury until said line intersects the Salem road, thence at a right angle from said lane, southeasterly, one hundred and sixty rods, thence at a right angle, and by a line parallel to said main street, running northeastwardly until said line intersects the south branch of Woodbury creek, thence down the same, and down the main creek to the place of beginning, be, and are hereby constituted, ordained and declared to be a body corporate and politic, in fact and in name, by the name of "The Woodbury Fire Association," and by that name they, and their successors, shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and they, and their successors, may make and have a common seal, and may change and alter the same at pleasure, and by their name aforesaid, and under their seal, make, enter into, and execute any contracts, agreements, and other writings touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such constitution, and such by-laws and regulations, for their government, not inconsistent with the constitution and laws of this state, or the United States, as they shall think proper.

Sec. 2. *And be it enacted,* That the capital stock of said association shall not exceed the sum of three thousand dollars, and shall be solely and exclusively applied to the procuring, maintaining and repairing such engines, hose, ladders, buckets, fire hooks, wells, pumps, reservoirs of water, and other implements and machines, and to such other incidental expenses, as shall in the opinion of the members of said corporation be best calculated to secure the said town from fire.

Sec. 3. *And be it enacted,* That for the purpose of effecting the objects of this corporation, it shall and may be lawful for the members thereof to assemble on the first Monday in January next, and on the first Monday in January of every succeeding year, public notice of the time and place of such meeting being previously published in the newspaper printed at Woodbury, or by advertisements set up in at least three of the most public places within the boundaries aforesaid, for the space of one week next before the day of such meeting, and then and there, by plurality of persons so assembled, to elect from the members of said corporation, a president, treasurer, secretary, and five fire officers, &c.

Boundaries of  
the corpora-  
tion, style,  
powers and  
privileges.

Amount of  
capital stock,  
&c.

wardens, which officers thus elected, shall constitute the board of wardens of the Woodbury Fire Association, and, in whose hands the active powers of this corporation are hereby vested, and whose duty it shall be to take charge and care of all the property belonging to said corporation; and a majority of the ~~said~~ board of wardens shall have power to fill all vacancies of officers, at any time arising, until the next annual election thereafter; and also to call a special meeting of the members of the corporation whenever, in their opinion, it shall be necessary.

*Sec. 4. And be it enacted,* That the members of said corporation, at their annual meetings as aforesaid, shall determine the sum of money to be raised in the year next ensuing each meeting; and shall elect one, or more, proper person or persons, as assessor, or assessors, whose duty it shall be to take a fair and correct list or lists of all the dwelling houses, stores, buildings, and other edifices of the value of one hundred dollars, and upwards, within the aforesaid limits, liable to destruction by fire, with the names of the owners and occupants of such buildings, and the value thereof, and shall assess such sum thereon, in the name of the occupant, as may be deemed just and equitable, in proportion to the whole sum ordered to be raised by the members of the said corporation at their annual meeting; and in the case of unoccupied buildings, the said assessment shall be made in the name of the owner thereof, such assessor or assessors, in all cases making such allowance as may be just on account of the various dangers and hazards to which such buildings, and other property as aforesaid, may be subject to by reason of its local situation, the materials of which it is composed, or any other circumstance, which list or lists, and estimate, shall be made out and completed between the first day of March and the twentieth day of April, in each and every year, and shall immediately after the said twentieth day of April be delivered over to the treasurer.

*Sec. 5. And be it enacted,* That the members of the said corporation shall, at their annual meetings as aforesaid, elect three members of said corporation to be a committee of appeals, whose duty it shall be to meet on the first Monday in May, in each and every year, at some convenient place, within the boundaries aforesaid, and then and there determine in a summary way, all complaints of any person or persons, who shall think himself, herself, or themselves aggrieved by any assessment made by virtue of the preceding section; of which meeting public notice shall be given, at least one week, in the newspaper printed at Woodbury, or by public advertisement set up in three of the most public places within the boundaries aforesaid, by the treasurer, who shall also attend the said meeting, and lay before the said committee the list or lists, and estimate, by him received from the assessor or assessors.

Grievances  
how addressed.

Treasurer to  
give bond;

*Sec. 6. And be it enacted,* That it shall be the duty of the board of wardens to require, and take from the treasurer, be-

fore he enters upon the duties of his office, security in an amount not less than the sum voted to be raised.

Sec. 7. *And be it enacted*, That after the assessment shall have been completed by the determination of the committee of appeals, it shall be the duty of the treasurer of the said corporation to demand of the person or persons, assessed as aforesaid, the amount of such assessment, and in case of non-payment, he is hereby authorized to prosecute all such persons neglecting or refusing to pay the same for the space of twenty days after such demand, and to recover the amount thereof, with costs, in the name of the corporation, in an action of debt, before any justice of the peace of the county.

Sec. 8. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think fit.

A. Passed December 25, 1826.

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#### **AN ACT providing for the repairs of the government house.**

Sec. 1. **BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Charles Parker, and John Wilson, be, and they are hereby appointed commissioners to make such repairs to the government house, as, in their opinion, may be necessary for the preservation of the same: *Provided* the expense thereof does not exceed the sum of one hundred dollars.

A. Passed December 21, 1826.

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#### **AN ACT for incorporating Trustees of Trenton Lodge, No. 5.**

Sec. 1. **BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That Thomas L. Woodruff, Master, Charles Burroughs, Senior Warden, Zachariah Rossell, Junior Warden, John Mershon, Secretary, and William Kerwood, Treasurer, and their successors, be, and are hereby made, declared, and constituted a corporation and body politic and corporate, in law and in fact, by the name, style, and title of "The Trustees of Trenton Lodge, No. 5;" and by the name, style, and title aforesaid, shall be persons able and capable in law, as well to take, receive and hold

Name of the incorporation; powers, &c.

**AN ACT** to authorize Maria Thomson, administratrix, and Mark Thomson, administrator, of Robert C. Thomson, late of the county of Warren, deceased, to convey certain real estate to Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner and Peter Baylor; and also to sell and convey other lands of the said Robert C. Thomson, deceased, for the payment of debts.

**Preamble.**

WHEREAS it has been represented to the legislature, and it appears that Robert C. Thomson, died intestate, seized of several tracts and lots of land, situate in the counties of Warren, Morris, and Hunterdon; and among others, of a tract of land containing about five hundreds acres, situate in the township of Washington, in the county of Morris, and in the township of Lebanon, in the county of Hunterdon; that previous to his death, he entered into parol contracts for the sale of the last mentioned tract, in parcels, with different persons, viz:—with Jacob Pence, to sell to him the farm whereon he now resides, part of the said tract; with Frederick Lance, to sell him about thirty-two acres, part of said tract; with Jacob Swackhamer, to sell to him a part of said tract, and also with Abraham Castner, to sell to him one hundred and forty acres, parcel of the said tract; (which last mentioned contract was reduced to writing, and deposited in the hands of a third person, from whom the said administratrix and administrator have not been able to ascertain whether the said written contract is in such form as to authorize the Orphans' court to interfere therewith;) and the said intestate also entered into a parol contract with Peter Baylor, to sell to him a lot of about one quarter of an acre, situate in the township of Mansfield, in the county of Warren; and that a considerable portion of the purchase moneys of the said several tracts and lots of land, was received by the said intestate, in his life time, from certain of the said contractors; and since his decease, the said administratrix and administrator, have received the sum of four hundred and forty-eight dollars, from Frederick Lance, one of the said contractors: *And whereas* it has been further represented and made to appear to the legislature, that the personal estate of the said intestate is insufficient to pay his debts; and that it will be necessary to sell *other* lands of the said intestate, to discharge the same; and that such *other* lands can be sold to much better advantage at private sale, by virtue of an act of the legislature, than they could at public sale, in the manner they must be sold under any authority derived from the Orphans' court—**THEREFORE,**

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of

*the same, That Maria Thomson, administratrix, and Mark Thomson, administrator, of Robert C. Thomson, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner, and Peter Baylor, respectively, a good and sufficient deed of conveyance of the lot or tract of land so agreed for by each of them, with the said intestate, to them, the said Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner, and Peter Baylor, severally, their several heirs and assigns, in fee simple, upon their severally paying or securing to the said administratrix and administrator, the consideration money, or the residue thereof, according to the terms of the said several contracts; and that every such deed and conveyance by the said administratrix and administrator, acknowledged or proved and recorded as the laws directs, shall be valid and effectual to convey to the said Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner, and Peter Baylor, severally, their several heirs and assigns, all the estate and interest in the said several bargained premises, which the said Robert C. Thomson was seized of, or entitled to at the time of his death.*

Administrators authorized to fulfil certain contracts, and to sell and convey certain real estate.

*Sec. 2. And be it enacted, That for the purpose of paying the debts of the said intestate, and the expenses of carrying this act into execution, the said administratrix and administrator, be, and they are hereby authorized and empowered to sell at private sale, or otherwise, as they may deem most advantageous, any of the lands of the said intestate, (exclusive of the said tract in Morris and Hunterdon counties, subdivided and bargained for as aforesaid,) which, in their opinion, can be sold with the least injury to the estate of the said intestate; and to make good and sufficient titles for the same to the purchaser or purchasers thereof: Provided however, that the said deeds of conveyance, in the first section of this act mentioned, nor either of them, nor any other deed which may be made by virtue hereof to any future purchaser or purchasers, shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatsoever, other than the said Robert C. Thompson, deceased, and his heirs, and all persons claiming under him or them.*

At private or public sale.

*Sec. 3. And be it enacted, That the said administratrix and administrator, before they proceed to execute the said deeds of conveyance, or either of them, in this act mentioned, or to sell any of the lands of the said intestate for the purposes aforesaid, shall enter into a bond, with two good and sufficient securities, inhabitants of this state, to the Governor of this state, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of their duties under this act; and that they will not sell any more of the lands of the said intestate than shall be sufficient, as near as may be, to make up the deficiency of the personal estate of the said intestate to pay his said debts, and the expenses of effecting the objects of this act.*

To give bond for the faithful performance of their duty.

C. Passed December 26, 1826.

**AN ACT** supplementary to "An act for the preservation of clams and oysters," passed the ninth day of June, one thousand eight hundred and twenty.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That so much of the second section of the act to which this is supplementary, as prohibits persons, residing in this state, from using a dredge in any of the rivers, bays, or waters thereof, be, and the same is hereby repealed, so far as respects the Delaware bay.

C. Passed December 26, 1826.

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**A FURTHER SUPPLEMENT** to the acts concerning Oysters.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the time for prohibiting the taking of oysters, or vending the same, as set forth in the first and fourth sections of the act entitled "An act for the preservation of clams and oysters," passed the ninth day of June, one thousand eight hundred and twenty, be, and the same is hereby prolonged and extended to the first day of October, yearly and every year, as far as respects the taking of oysters in Shark river, in the township of Howell, in the county of Monmouth, under the same penalties and regulations as are contained in the above recited act for the like offences: *Provided always nevertheless*, that this act shall in no wise be so construed as to affect or prevent any person from taking oysters from his own beds or ground.

C. and A. Passed December 26, 1826.

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**AN ACT** to raise the sum of thirty thousand dollars for the year of our Lord one thousand eight hundred and twenty-seven.

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That there shall be assessed, levied and collected, on the inhabitants of this state, their goods and chattels, and on the

lands and tenements within the same, the sum of thirty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and twenty-eight.

Sec. 2. *And be it enacted*, That the said sum of thirty thousand dollars, shall be paid by the several counties of this state, in the proportion following, that is to say:—

The county of Bergen shall pay the sum of one thousand nine hundred and forty-nine dollars and eighty cents.

The county of Essex shall pay the sum of two thousand eight hundred and sixty-seven dollars and eleven cents.

The county of Middlesex shall pay the sum of two thousand four hundred dollars and four cents.

The county of Monmouth shall pay the sum of two thousand even hundred and ninety-two dollars and seventy-eight cents.

The county of Somerset shall pay the sum of one thousand nine hundred and eighty-two dollars and fifteen cents.

The county of Burlington shall pay the sum of three thousand two hundred and thirty dollars and thirty-six cents.

The county of Gloucester shall pay the sum of two thousand five hundred and thirty-four dollars and forty cents.

The county of Cumberland shall pay the sum of one thousand one hundred and eighty-nine dollars sixty-five cents.

The county of Salem shall pay the sum of one thousand six hundred and seventeen dollars and forty-seven cents.

The county of Cape May shall pay the sum of five hundred and eighty-four dollars and seven cents.

The county of Hunterdon shall pay the sum of three thousand four hundred and one dollars and ninety cents.

The county of Morris shall pay the sum of two thousand three hundred and fifty-two dollars and five cents.

The county of Sussex shall pay the sum of one thousand five hundred and nineteen dollars and twenty-nine cents.

The county of Warren shall pay the sum of one thousand six hundred and thirty-nine dollars and thirteen cents.

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of thirty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:—

Every covering horse, above three years old, any sum not exceeding ten dollars, to be paid by the person where the horse is kept.

All other horses or mules three years old and upwards, any sum not exceeding six cents.

All neat cattle three years old and upwards, any sum not exceeding four cents.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of thirty thousand dollars, the following persons, articles and

things, shall be valued and rated at the discretion of the assessors, to wit:—

All tracts of lands, except land and real estate owned or held by the board of chosen freeholders of the several counties, and by the several townships in this state, for public purposes, any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, that houses and lots of ten acres, and under, shall not be included in the above valuation, but shall be valued by the respective assessors, at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be, to the valuation of the land aforesaid.

All householders, (under which description shall be included all married men living with their parents,) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties, and other estate made ratable by this act.

All merchants, shop keepers, and traders, any sum not exceeding ten dollars.

All fisheries, where fish are caught for sale, any sum not exceeding ten dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All carding machines, propelled by water, any sum not exceeding three dollars.

All furnaces, any sum not exceeding ten dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges; that work pig iron, and forges and bloomaries, that work bar iron immediately from oar or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding ten dollars.

All pasteboard or paper mills, for each vat, any sum not exceeding eight dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

All plaster mills, any sum not exceeding six dollars.

All fulling mills, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned for sale, or hire, for each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars; *Provided*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave, between the ages of fifteen and sixty years, any sum not exceeding one dollar: *Provided*, no slave shall be taxed who is unable to labor.

All distilleries, used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding thirty-five dollars.

All other distilleries, used for distilling, any sum not exceeding nine dollars; having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phæton, coachee, or four wheeled chase, with steel or iron springs, any sum not exceeding four dollars.

Every four horse stage wagon, any sum not exceeding five dollars.

Every two horse stage wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon, with a framed or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricle, and every two horse riding chair, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, pleasure wagon, or sulkey, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding five dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding five dollars.

*Sec. 5. And be it enacted,* That the said sum of thirty thousand dollars shall be assessed, levied and collected, in the manner prescribed in the act entitled "An act concerning taxes," passed the tenth day of June, A. D. one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duty imposed by said act; and the assessors, collectors, and other officers, concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

C. and A. Passed December 26, 1826.

#### AN ACT relative to insurance companies.

WHEREAS it is represented to the legislature, that associations or companies of individuals, not resident in this state, nor incorporated by its laws, do, nevertheless, by means of agents appointed by them, in this state, effect many insurances within the same, against losses by fire, and otherwise, thereby securing to themselves all the benefits, without being subject to

Preamble.

any of the burthens of insurance companies regularly incorporated by law of this state—**THEREFORE,**

*On what conditions agents of foreign insurance companies may act, &c. in this state.*

**Sec. 1. BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall be lawful for any person or persons, under any pretence whatever, to act as agent or agents, or otherwise, for any individuals, or association of individuals, not incorporated by some law of this state, (although such individuals or associations may be incorporated by the laws of any other state or kingdom,) for the purpose of effecting insurances, or contracts of insurance against losses by fire, or otherwise, in such foreign and unincorporated companies as aforesaid, except in the manner, and under the regulations hereinafter prescribed.

*Bond to be given to the collector, &c.*

**Sec. 2. And be it enacted,** That every person who now is, or hereafter may be appointed an agent for any individuals, or company, resident out of this state, and not incorporated by any law of this state, before he acts as such agent, or takes any measures to effect, or procure to be made, any insurances within this state, against losses by fire, or otherwise, shall enter into bond, with good and sufficient freehold security or securities, to the collector of the county for the time being, within which such agent may reside, by his name of office, in the penal sum of one thousand dollars, with a condition thereunder written, that such agent will in all things, comply with the requisitions of this act during his agency; the sufficiency of which bond and securities shall be judged of by the clerk of the county in which the same may be given; and if he approves of, and is satisfied with the same, he shall endorse thereon, a certificate to that effect, and then deliver the bond to the collector, for the time being, of the county in which the same shall be given; after which it shall and may be lawful for such agent to prosecute his agency for the purpose aforesaid; and for the services so to be performed by the clerk, he shall be entitled to receive from the person giving bond, the sum of fifty cents.

*Foreign agents to furnish collector with a true account of moneys received, and to pay certain tax thereon, &c.*

**Sec. 3. And be it enacted,** That every person so having given bond as aforesaid, and thereafter acting as such agent for any individuals, or companies, out of this state, and not incorporated by some law thereof, shall some time in the months of January and July, in every year while he shall continue such agent, deliver to the collector, for the time being, of the county in which he may reside, a just and true account in writing, of all insurances effected by him as such agent as aforesaid, and of the amounts he has received, either in money or securities for money, for premiums on insurance, and from whom he has received the same, and shall thereupon pay to such county collector, by way of tax, for the use of this state, at five per cent. upon the gross amount he shall have received in moneys or securities for money, for pre-

miums or insurances effected or contracted for by him as such agent, for the six months last preceding such accounting; and in default of such agent, in not rendering such just and true account as aforesaid, or paying to such collector such tax as aforesaid, the bond so as aforesaid given by him, shall be deemed and taken to be in full force and effect; and it shall thereupon be the duty of the collector, for the time being, of the county in which such bond was given, to prosecute the same to judgment and execution, in his own name, in any court of competent jurisdiction; and the moneys that may be recovered thereon, shall be received by such collector, to, and for the use of this state.

Sec. 4. *And be it enacted*, That if any person, after the first day of July next, shall act as agent for any individuals, or companies, resident out of this state, and not incorporated by some law thereof, in effecting or promoting insurances against losses by fire, or otherwise, contrary to the provisions of this act, or any of them, the person so offending shall forfeit the sum of one hundred dollars, to be sued for and recovered in an action of debt, in any court of competent jurisdiction, by any person suing for the same; one half to the use of the plaintiff, and the other half to the use of this state.

Penalty for a violation of this act.

C. Passed December 26, 1826.

A FURTHER SUPPLEMENT to the act, entitled, "An act respecting conveyances;" and to an act entitled "An act to register Mortgages."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the governor of this state be, and he is hereby authorized to name, appoint and commission, a commissioner in each, or such of the other states of the United States, as he may think expedient, and where such appointment shall not be incompatible with the laws of the state, where such commissioner shall reside; which commissioner shall have authority, in case either of the parties reside in the state in which such commissioner is appointed, to take the acknowledgment or proof of any deed or conveyance, mortgage, defeasible deed or other conveyance in nature of a mortgage, of any lands, tenements, or hereditaments, lying and being in this state, or any other instrument of writing, under hand and seal, required by the laws of this state to be acknowledged or proved; and such acknowledgment or proof taken or made, in the manner directed by the laws of this state, and certified by the commis-

Commissioners appointed in other states.

sioner, before whom the same shall be made, as by law required, shall have the same force and effect, and be as good and available, in law, for all purposes, as if such acknowledgment or proof had been made before one of the justices of the Supreme Court of this state.

**Removal at  
the will of the  
Governor.**

Sec. 2. *And be it enacted,* That it shall not be lawful for the governor to appoint, by virtue of this act, more than one commissioner in any one of the said states, and that such commissioner may be removed from office at the will and pleasure of the governor; and in case any such commissioner shall remove out of the state, in which he shall reside at the time of his appointment, his commission shall thereupon become void; and the said commissioners and every of them, are hereby authorized to demand and receive the same fees as are or shall be allowed by law for like services to other persons for taking the acknowledgment or proof of deeds.

**May adminis-  
ter oaths, &c.**

Sec. 3. *And be it enacted,* That every commissioner, appointed by virtue of this act, shall have full power and authority to administer an oath or affirmation to any person, who shall be willing and desirous to make such oath or affirmation before him, to hold to bail, or in or concerning any cause depending or to be brought in any of the courts of this state, and every affidavit or affirmation, made before such commissioner, shall and is hereby declared to be as good and effectual to all intents and purposes, as if made before an officer resident in this state, and competent to take the same.

**Oath of office.**

Sec. 4. *And it be enacted,* That every commissioner, appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this law, shall take and subscribe an oath or affirmation, before the mayor or other chief magistrate of the city in which the said commissioner shall reside, or before a Judge of the Supreme or Superior Court of the state, where the said commissioner shall be resident, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the state of New-Jersey; which said oath or affirmation shall be filed in the office of the Secretary of this state.

C. and A. Passed December 27, 1826.

**AN ACT to incorporate the New-Brunswick Insurance Com-  
pany in the counties of Middlesex and Somerset.**

**Preamble.**

WHEREAS sundry inhabitants of the city of New-Brunswick and its vicinity, in this state, have represented to the legisla-

ture that insurance of houses is frequently, and to a large amount, made in the city of New-York, and that an insurance company in New-Brunswick, under proper regulations, would tend to the convenience of the inhabitants, and would confine at home a source of wealth which is yearly carried into another state—**THEREFORE,**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are, and shall be hereby constituted and made a body corporate and politic, by the name and style of "The New-Brunswick Fire Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy to them and their successors, lands, tenements and hereditaments, goods, chattels and effects of what nature and kind soever, necessary for the purposes of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of the said company, and may also have a common seal, and alter and renew the same at pleasure; and also to make and establish such by-laws and regulations, as shall seem necessary and expedient, for the government of the said institution, and to put the same in execution: *Provided*, that the same be not contrary to the constitution and laws of the United States, nor of this state.**

Style of the incorporation, powers and privileges.

Amount of Capital.

**Sec. 2. And be it enacted, That the capital stock of the said company shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and that the sum of fifty thousand dollars shall be subscribed and actually paid, before the said company shall be allowed to commence business.**

**Sec. 3. And be it enacted, That the sums subscribed shall be paid to the persons hereinafter named, in the following manner, wit: five dollars on each share at the time of subscribing; and the remainder in such instalments, and at such times, as the President and directors may appoint.**

**Sec. 4. And be it enacted, That the secretary of said company shall give notice, in the newspapers published in New-Brunswick, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, ten days after, shall forfeit to the said company all and every such share or shares, upon which the instalment shall remain due, and all moneys previously paid thereon.**

Number of directors;

**Sec. 5. And be it enacted, That the stock, property, affairs and concerns of the said company shall be managed and conducted by twenty directors, who shall hold their offices for one**

time of elections;

notice to be given.

Proviso.

President to be an inhabitant of New-Brunswick.

Officers to be compensated.

Books to be opened, &c.

year, and until others shall be chosen, and no longer; which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New-Jersey; and the said directors shall be hereafter elected on the first Monday of May, in each and every year, at such hour of the day, and at such place in the city of New-Brunswick, as the board of directors, for the time being, shall direct; of which election public notice shall be given in the newspapers printed in New-Brunswick aforesaid, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the stockholders present or represented by proxies, and every stockholder shall be entitled to one vote for each share helden by him: *Provided,* that he shall have held such share for at least twenty days next preceding the election, and shall be a citizen of the United States; and the first directors shall be Andrew Kirkpatrick, Charles Smith, Staats Van Duersen, Edward Carroll, James Neilson, Joseph W. Scott, Peter Dayton, Daniel W. Disborough, James Durham, Cornelius L. Hardenbergh, James F. Randolph, James Bishop, Joseph C. Griggs, James S. Nevius, Robert Boggs, and Frederick Richmond, of New-Brunswick, and James Parker of Amboy, William B. Gaston, of Somerville, Robert Voorhees, of Princeton, and Thomas Capner, of Flemington, who shall hold their offices until the first Monday of May, in the year our Lord one thousand eight hundred and twenty-seven, and till other directors shall be chosen in their stead.

Sec. 6. *And be it enacted,* That the directors herein before mentioned, shall as soon as convenient after the passing of this act, and the directors who are annually chosen agreeably to the provisions of this act, shall as soon as convenient after that election, proceed to choose out of their body one person to be president, who shall be an inhabitant of the city of New-Brunswick, and shall preside until the annual election therefor; and in case of the death, resignation, or inability to serve of the president, or any director of such company, such vacancy or vacancies shall be filled for the remainder of the term by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tempore*, who shall exercise all such powers and duties as the president might exercise.

Sec. 7. *And be it enacted,* That the board of directors, at the time being, shall have power to appoint, during their pleasure, a secretary and such other officers as may be required, effecting the business of the company, and to allow them, respectively, such compensation for their services as may in the judgment be deemed reasonable.

Sec. 8. *And be it enacted,* That the aforesaid directors, such committee as they may appoint, shall take in subscription to the capital stock of this company, and open subscription books

for the purpose at New-Brunswick aforesaid, upon two weeks notice published in the newspapers of that city, which shall continue open from day to day (Sundays excepted) for ten days, unless the whole stock shall be sooner subscribed, and their secretary shall be the receiver of all moneys, and shall deposit or dispose of the same forthwith as the company, by resolution, shall direct: *Provided*, should there be an excess of stock subscribed, *Proviso.* 1 the whole number of shares shall be apportioned *pro rata* among the subscribers.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the company to insure houses and other buildings, and personal property contained therein, and vessels navigating the river Raritan, and their lading, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

To insure  
houses, &c.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president, or president *pro tempore*, or by such other officer, as may be designated for that purpose by the said company, and attested by the secretary, and being so subscribed and attested, shall be obligatory upon the said company, according to the tenor, intent and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested, and executed, and the loans and other business of the company, may be made, conducted, and carried on without the presence of the whole board of directors, but by such committees or otherwise, as the board may authorize, and the same shall be binding on the company.

Policies, how  
and what con-  
ditions made,  
&c.

Sec. 11. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president and directors, for the time being, shall, previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same; and seven directors shall constitute a quorum for the transaction of business, notice of the meeting be given, or published to all.

Judges of elec-  
tions.

Sec. 12. *And be it enacted*, That the board of directors, or fifteen stockholders, being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the said company, previously advertising the time and place of said meeting for at least two weeks, in the papers printed in the city of New-Brunswick, and mentioning the object of such meeting.

Meetings to be  
advertised.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such, and so much real estate, as shall be necessary for their convenient accommodation in the transaction of their business; and also to take and

On certain  
conditions  
may hold real  
estate.

**Proviso.**

hold any real estate or securities, *bona fide* mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and also to proceed on the said mortgages, or other securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is, or shall be authorized to do; and also, to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise, to take and receive any real estate in payment, or towards satisfaction of any debt previously contracted, and due to the said company, and to hold the same until they can conveniently sell or convert the same into money, or other personal property: *Provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof, for, or in any banking operations, or in the purchase or sale of any stock or funded debt, created, or to be created under any law of the United States, or of any particular state, or to emit any notes, or bills, or securities, for the payment of money, except under the seal of the said company; but it shall, nevertheless, be lawful for the said company to purchase and hold any such, or other stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or moneys, and also to sell and transfer the same, and again to renew such investments, when, and as often as the exigencies of the said company, or a due regard to its interests shall require, and also, to make loans of its capital stock, funds and moneys, or bonds and mortgages, and the same to call in and re-loan, as occasion may render expedient.

**Stock transferable, and to be considered personal property.**

**To make dividends, but not to impair the capital stock, &c.**

**Sec. 14. And be it enacted,** That the stock of the said company shall be assignable and transferable according to such rules, and subject to such regulations and conditions, as the board of directors may from time to time establish, and that the said stock shall be considered personal property.

**Sec. 15. And be it enacted,** That it shall be lawful for the directors of the said company, to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders, or to their legal representatives, but the dividend shall at no time exceed the amount of clear profits made by the company, and the capital stock shall be and remain unimpaired; and if the said directors shall at any time, knowingly, make dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them or any of them, their executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice to the stockholders of the declaring of such dividend.

**Sec. 16.** *And be it enacted,* That at the annual meeting for choice of directors, a statement of the affairs and business of the company for the preceding year, shall be made out and shown for the general satisfaction of the stockholders.

**Sec. 17.** *And be it enacted,* That each director, the secretary, and every other officer of said company shall, before he enters on the duties of his office, take and subscribe an oath or affirmation (as the case may be) faithfully to execute the duties of his office according to the best of his skill and understanding, which oath may be administered by any judge of the inferior court of common pleas, or any justice of the peace of this state.

Oath of office.

**Sec. 18.** *And be it enacted,* That the said company shall pay into the treasury of this state, one half of one per cent. per annum on the capital stock, to commence three years after the said company shall go into operation, which said amount shall be paid in under the oath of the president and secretary thereof.

**Sec. 19.** *And be it enacted,* That the said company shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

**Sec. 20.** *And be it enacted,* That this act shall continue in force for the space of twenty-five years; but it shall and may be lawful for the legislature at any time to alter or repeal the same.

Limitation,  
&c.

C. and A. Passed December 27, 1826.

## AN ACT to incorporate certain tenants holding oyster lots under this state upon rent.

WHEREAS by an act of the legislature, passed the twenty-fifth day of November, one thousand eight hundred and twenty-four, and the supplement thereto, certain commissioners laid out, among others, a certain lot of forty-eight acres of land, situate under tide water, in the bay of Perth-Amboy, by metes and bounds; and having subdivided the same into twenty-four lots, of two acres each, did convey one of said subdivided lots unto Oliver Wayne Ogden, and his assigns, to hold for the term of ten years, at a rent of four dollars a year; and in like manner conveyed the remaining twenty-three subdivided lots to twenty-three other persons severally, for the like term, and under the like rent; and duly made a map of the said lot of forty-eight acres, with its true boundaries and subdivisions, indicating thereon the person to whom each subdivided lot

Preamble.

was let as aforesaid, and duly filed the said map in the clerk's office, in the county of Middlesex, there to remain of record, agreeably to the directions of the before mentioned act; and the said Oliver Wayne Ogden, together with the other tenants having, for the more easy management of their business, prayed that the same lot of forty-eight acres may be let to them, as a company.—**THEREFORE,**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Oliver Wayne Ogden, and the aforesaid twenty-three other persons, and their successors, be, and they are hereby incorporated as a body politic and corporate, by the name of "The Oyster Company of Perth-Amboy," with power to hold the said lot of forty-eight acres, for the term hereinafter mentioned, and all such money as they may contribute for the planting and growing of oysters, clams, or other shell fish on said lot, and the avails of the same, and such goods and chattels as they may deem necessary for carrying on said business; and also with power to make and execute such rules for the regulation of said company, its stockholders, officers, and agents, as they may deem expedient; and to call on each stockholder to pay, on peril of forfeiture of his share, such sum and sums of money on his said share, for planting said ground, and other expenses, at such time and times, and to such person or persons, as a majority of the stockholders assembled shall ordain, at any meeting where not less than two-thirds of the whole number shall be present, in person or by their proxies, so as the said rules are not contrary to the laws and constitution of the United States, or of this state.**

**Sec. 2. And be it enacted, That the lot of forty-eight acres before mentioned, be, and the same is hereby let and demised to the said company, to be had and holden to them, their successors and assigns, for the term of twenty years from the first day of May next, reserving therefor to the treasurer of this state, for the use of this state, on the first day of May next thereafter, yearly (except as hereinafter excepted) the yearly rent of two hundred dollars: *Provided*, that the company hereby incorporated shall at the end of the first ten years of this charter, pay the yearly rent of three hundred dollars; and if the said rents shall be unpaid for thirty days after it shall at any time become due, the treasurer shall direct the attorney general to sue out a *scire facias* against the said company, in the supreme court, to show cause why the said charter should not be forfeited therefor, in which the company may plead payment; and if the fact shall be found against them, judgment shall be given that the said charter be forfeited, and thereupon it shall stand forfeited to the state, and all the rights, privileges, and term hereby granted, shall cease and become void: *Provided always*, that if the rent and interest thereon, with full costs, shall be paid up to the treasurer before the entry of judgment, the proceedings shall be thereupon dis-**

**Term of the lease.**

**Annual payments to be made under the penalty of forfeiture, &c.**

**Style of the incorporation, powers and privileges.**

continued; and *provided also*, that as no avails can be made from the premises during the first three years, while the first planting of oysters is growing, the rent of the first three years is hereby remitted to the said company.

**Sec. 3. And be it enacted,** That each of the said twenty-four persons, or his assigns, shall be deemed and taken to be the owner of one full share of stock in the said company, and shall be entitled to one vote on all matters to be decided on by the said stockholders, who shall meet together on the third day of January next, at the hour of two in the afternoon of the same day, at the house of Lewis Compton, innkeeper, at Perth-Amboy, and by the votes of a majority of such stockholders as shall then and there be assembled, elect and appoint an officer or officers, agent or agents, for the management of their concerns, and demand such security from them, as to a majority of the stockholders so assembled shall appear expedient; and may remove and appoint officers and agents from time to time thereafter, at their discretion; and the said stockholders may meet together thereafter, from time to time, according to their own regulations, during the continuance of the said lease.

**Sec. 4. And be it enacted,** That this act, in consequence of its connexion with the revenue of the state, shall be deemed and *Declared a public act.*

**Sec. 5. And be it enacted,** That if the business of the said company shall prove itself to their satisfaction to be unproductive of profits, the company may surrender their charter, term, and privileges, under this act, to the treasurer of this state, by an instrument in writing under their corporate seal, and the same shall thereupon cease, at any time, on their paying to the treasurer, all the rent then due, or that would become due at the end of that current year: *Provided nevertheless*, that the stockholders in said company at the time of such surrender, or whenever a dissolution of the said company shall take place from any other cause, shall be jointly and severally liable in their individual capacities for any and all debts which may be due and owing by said company at the time of such surrender or dissolution of their charter as aforesaid; and for the performance of all contracts and agreements entered into by the said company during the continuance of the said charter.

**Sec. 6. And be it enacted,** That the rent herein reserved to the state, shall be in lieu and in full of all taxes that might otherwise be imposed on the premises or company, or on the stockholders in respect to their said stock, during the continuance of the said term.

**Sec. 7. And be it enacted,** That if any person shall take or carry away, with an intent to steal, any oysters, clams, or other shell fish, lying, or being on the lot of forty-eight acres, so demised by the state to the said company, such person shall be deemed guilty of a felony.

Time of meeting; votes how to be regulated.

On what conditions charter may be surrendered.

Proviso

**Penalty for  
violating this  
act.**

ty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, or by fine and imprisonment, at hard labor, or both, the fine not to exceed one hundred dollars, nor the time of imprisonment to exceed one year and one month.

C. and A. Passed December 27, 1826.

**Brigade of ca-  
valry ; its ar-  
rangement,  
&c.**

### AN ACT for the better organization of the cavalry of this state.

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the cavalry of this state shall form one brigade, and continue in their present arrangement in squadrons and regiments, as follows, that is to say : The troops of cavalry in the county of Bergen shall form one squadron, and the troops of cavalry in the county of Essex shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the county of Morris shall form one squadron, and the troops of cavalry in the counties of Sussex and Warren shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the county of Middlesex shall form one squadron, and the troops of cavalry in the county of Monmouth shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the county of Hunterdon shall form one squadron, and the troops of cavalry in the county of Somerset shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the counties of Burlington and Gloucester shall form one squadron, and the troops of cavalry in the counties of Salem, Cumberland and Cape May, shall form one squadron, which two squadrons shall form one regiment.**

**Present offi-  
cers to hold  
their commis-  
sions.**

**Sec. 2. And be it enacted, That the present officers of the cavalry of this state shall continue to hold and exercise the several ranks and commissions they now hold, and vacancies shall be filled up, so that the cavalry shall be officered as follows, that is to say : To the brigade, there shall be one brigadier general and a brigade staff, to consist of one aid-de-camp, and one brigade major, to serve also as brigade inspector, each with the rank of major, one brigade judge advocate, one brigade paymaster, and one brigade quartermaster; to each regiment, one colonel, and a regimental staff, to consist of one regimental adjutant, who, at the meetings of the regiment, in the absence of the brigade major, shall perform the duty of brigade inspector, and one quartermaster, each with the rank of captain, one sergeant-major, one master of music, and one master of the drill and sword exercises.**

cise, one surgeon, and one chaplain ; to each squadron, one major, and a staff, to consist of one adjutant, one paymaster, and one quartermaster, each with the rank of lieutenant, one quartermaster sergeant, and one surgeon's mate ; and to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter or bugler, and not less than thirty-six, or more than sixty troopers ; the brigade staff to be appointed by the brigadier general ; the regimental and squadron staff, by the commandants of the regiments and squadrons respectively ; and the non-commissioned officers and musicians, by the commissioned officers of the troops respectively.

Sec. 3. *And be it enacted*, That the resignations of captains and subalterns, shall be made to the major or commandant of the squadron ; and whenever any new troop shall be formed, or vacancy in the officers of a troop shall occur from resignation or otherwise, the major or commandant of the squadron shall immediately report the same to the colonel or commandant of the regiment, who shall thereupon, by warrant under his hand and seal, direct the major or commandant of the squadron, to hold an election in said troop to supply such vacancy ; and the major or commandant of the squadron, after giving ten days previous notice of the time and place of holding such election, by advertisement set up in three of the most public places within the limits of said troop, shall proceed to hold said election within said limits, and the troop, or such of them as may attend at such time and place, shall, by plurality of votes, choose officers to supply the vacancies in said troop, and the major, or commandant of the squadron, shall certify the same to the commander in chief, to be commissioned accordingly. Elections.

Sec. 4. *And be it enacted*, That the cavalry shall rendezvous three times in every year, for improvement in military discipline ; once by troop, within the bounds thereof, on the fourth Monday in April ; once by troop, with the battalion of infantry to which they may be respectively attached, on the day appointed for the meeting of said battalion ; and once by troop, with the regiment of infantry to which they may be respectively attached, on the day appointed for the meeting of said regiment : *Provided*, that if the major or commandant of a squadron shall order a squadron training, then the several troops composing said squadron, together with the staff, shall meet by squadron, within the bounds thereof ; the first squadron in each regiment, on the third Tuesday in May, and the second squadron, on the Wednesday following, which squadron training shall be instead of the meeting of the several troops with the battalions of infantry to which they may respectively be attached for that year ; and if the colonel or commandant of any regiment of cavalry shall think fit (not oftener than once in three years) to order a regimental training, then the several troops and squadrons composing

To rendezvous three times a year.
Proviso.

**Regimental  
training when  
to take place.**

**To be previ-  
ously adver-  
tised.**

**Brigade in-  
spector to  
make return to  
general.**

**Colonel may  
call a meeting  
of officers of  
his regiment  
for improve-  
ment in disci-  
pline.**

**Liable to fines  
for non atten-  
dance.**

**Who captains  
may enrol in  
their troop,  
&c.**

the said regiment, together with the staff, shall meet by regiment, within the bounds thereof, on the Tuesday following the second Monday in June, which regimental training shall be instead of the meeting of the several troops with the regiments of infantry to which they may respectively be attached for that year; and it shall be the duty of the colonels or commandants of regiments to give twenty days notice, the majors and commandants of squadrons to give fifteen days' notice, and the captains or commandants of troops to give ten days' notice of such meetings, by advertisements set up in three of the most public places, or inserted in a newspaper circulating within the bounds of the regiment, squadron or troop, respectively; and at every meeting of a regiment of cavalry, the brigade inspector, or in his absence, the adjutant of the regiment, shall make an accurate return and report of the state of the several troops composing the regiment, their number, horses, arms, and equipments, one copy of which return he shall forthwith forward to the adjutant general, and one other copy to the colonel or commandant of the regiment, who shall forward the same to the brigadier general or commander in chief of the cavalry.

**Sec. 5. And be it enacted,** That the colonel or commanding officer of each regiment of cavalry, shall once in each year, if he think necessary, call a meeting of all the commissioned officers of his regiment, at such time and place, within the bounds of the same, as he shall appoint, for improvement in military discipline, of which meeting he shall give twenty days notice, in manner aforesaid, and if he shall think proper, may order the first or orderly sergeant, of each troop, belonging to the said regiment, to attend the said meeting, and also, may order any one troop belonging to the squadron, within the bounds of which the said meeting shall be held, to attend the same, giving notice of his intention so to do, to the captain or commandant of said troop, fifteen days before the time appointed for the first meeting of the troop in that year, which meeting of the said troop, with the officers of the regiment, shall be advertised by the captain or commandant of the troop in manner aforesaid, and shall be in lieu of the troop training of that year.

**Sec. 6. And be it enacted,** That all officers, privates, and musicians belonging to the cavalry, shall be subject to the same fines and penalties for non-attendance on the days of parade directed and required by the troop, squadron, or regiment, to which they may belong, and for deficiencies of arms and equipments, as are, or may be imposed by law on the militia generally.

**Sec. 7. And be it enacted,** That it shall and may be lawful for the captains, or commandants of any troops of cavalry, to enrol in their respective troops, from the several companies of militia composing the regiment or brigade to which they may belong; and if the said company be in the bounds of the said regiment or brigade, then from the regiment or brigade adjoining

the same, and a certificate from the captain or commanding officer of any troop shall exonerate the person therein named from being fined, or from paying any fine thereafter imposed on him by the officers of the company of militia within the bounds of which he may belong: *Provided*, it shall not be lawful for the captains or commandants of any troop of cavalry, to grant a certificate to any person prior to his appearing in uniform, agreeably to law, under the penalty of ten dollars, to be recovered by the paymaster of the battalion within the bounds of which such officer, may reside, and paid to the brigade paymaster.

Sec. 8. *And be it enacted*, That it shall be lawful for the colonels or commandants of regiments of cavalry, and it shall be their duty when required by the brigadier general of cavalry, to vary the day of the meeting of said regiment, so that the several regiments may meet in succession, for inspection or review by the brigadier general of cavalry, or other superior officer or officers, if he shall think fit.

Sec. 9. *And be it enacted*, That in all respects not herein particularly provided for, the cavalry of this state shall be subject to such rules and regulations as are, or may be, provided by law, for the government of the militia of this state: *And further*, that nothing in this act contained, shall affect or interfere with the provisions of the act, entitled "An act establishing an independent regiment of horse artillery, passed fifth of December, one thousand eight hundred and twenty-three.

Cavalry sub-  
ject to the  
similar rules,  
&c. as other  
militia.

C. and A. Passed December 27, 1826.

## AN ACT to incorporate a company for the purpose of rendering the Crosswicks creek navigable.

WHEREAS a number of the inhabitants of the counties of Monmouth and Burlington, have by their petition, set forth to this legislature, that great and important advantages would accrue to the public by rendering the Crosswicks creek navigable from the village of New-Egypt to tide water, and that the practicability of the object is fully apparent, but that the expense of such an undertaking, would be too great for individual enterprise; and whereas the said inhabitants by their petition have prayed this legislature for a law incorporating a company, about to be formed, for the purpose of clearing, straightening, and locking the said creek, to be known by the style and title of "The Crosswicks Navigation Company;" and this legislature being desirous of affording all proper encouragement to

enterprise and industry, especially when directed to internal navigation—**THEREFORE,**

Name and style of the incorporation, powers and privileges.

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as shall become subscribers to the capital stock of this company, are hereby incorporated under the style and title of "The president and directors of the Crosswicks navigation company," for and with the privileges and immunities hereinafter described, defined and granted, and by that name and style, shall be a body corporate and politic in law, and may sue and be sued, plead and be impleaded, in all courts of law in this state, or in any other place whatsoever; and the said company shall have perpetual succession and power to make and use one common seal, and the same to change and alter at pleasure, and also to ordain, establish and carry into execution such by-laws and regulations, as shall by its president and directors be judged necessary and convenient for the said corporation in respect to its operations: *Provided*, the same be not repugnant to the constitution and laws of this state, nor of the United States.**

Amount of capital stock.

Shares twenty-five dollars.

Commissioners, their duty.

**Sec. 2. And be it enacted, That the capital stock of the company shall at no time exceed the sum of thirty thousand dollars, divided into shares of twenty-five dollars each, payable in instalments not exceeding five dollars on each share, at such time and place as the president and directors may appoint, giving at least thirty days public notice; two dollars and fifty cents shall be paid on each and every share at the time subscribed for, as a first instalment; the shares of stock shall be transferable at the pleasure of the holder, but shall not entitle the purchaser to a vote, unless the said transfer shall have been made upon the books of the company, at least ninety days previous to any election of the company; all elections of the company shall be by ballot, and a plurality of votes shall, in all cases, be sufficient to make a choice; in voting at elections of the company for every share, not exceeding four shares, one vote for each share, six shares five votes, eight shares six votes, twelve shares seven votes, eighteen shares eight votes, and for every ten shares above eighteen, one vote.**

**Sec. 3. And be it enacted, That Elisha Gordon, James S. Lawrence, and Joseph W. Reckless, be, and they are hereby appointed commissioners, with authority to provide and open a book for the purpose of receiving subscriptions to the capital stock of the company, and shall give thirty days notice of the time and place, when the said book will be opened for persons disposed to subscribe, in at least two of the newspapers published in this state, most generally circulating in the neighborhood of the proposed navigation; and the said commissioners or any two of them, shall attend at the time mentioned in their said no-**

vice, and receive all such subscriptions as may be offered, each subscriber, at the time of subscribing shall pay two dollars and fifty cents on each share he may subscribe for, and adjourn from day to day, and from place to place, as often as shall be necessary, until four hundred shares shall have been subscribed for, when they shall close their book, and immediately give public notice as aforesaid to the subscribers, that an election for the choice of seven directors for one year, will be held for the management of the company's concerns; the time and place shall be expressed in said notice, not exceeding fifteen days from the date of closing their subscription book; and the said commissioners shall, with as little delay as possible, deposit the amount received from subscribers as their first instalment, in one of the banks of the state, subject to the draft of the president when chosen.

*Sec. 4. And be it enacted,* That at the first meeting of the directors, they shall choose out of their own body a president, who shall hold his appointment for one year, and such other officers as they may deem necessary and expedient; it shall be the duty of the president to preside at the meetings of the board, and sign all orders for the disbursement of the company's moneys; but in case of absence, or disability of the president to attend any meeting of the board of directors, a president *pro tempore* may be appointed by the board; the president and directors may, on giving thirty days notice, re-open their subscription book for such additional subscription to the said stock as often as may be necessary, giving preference to original subscribers; new subscribers shall pay, at the time of subscribing, such sum as may have been paid in by original subscribers: *Provided always*, that such new subscription, including the original, shall not exceed thirty thousand dollars as aforesaid.

President to  
be chosen, his  
duty.

*Sec. 5. And be it enacted,* That for the better conducting the various works of the company, the president and directors shall appoint three commissioners, the president being one, and which commissioners, or any two of whom, shall have power and authority to cause an accurate survey or surveys to be made of the said creek from the village of New-Egypt to tide water, and lay off the distance in such convenient sections as to them shall seem proper and convenient, and also to enter in and upon any lands adjoining or contiguous to said creek, and in order to shorten the distance or route of said navigation as far as may be practicable and convenient, and may make such and so many artificial cuts or canals through and across any of the angular points of land, on either side of said creek, as now have a tendency of increasing the distance; and also to enter upon the lands adjoining any mill-dam free from any cost or charges from the owner or owners of the same, and to construct and settle such and so many locks or other devices as shall be necessary and convenient to admit of a safe and convenient passage for boats and rafts through

Commission-  
ers, their pow-  
ers, &c.

Locks to be  
constructed

the same ; and at all times to repair and renew the same at pleasure, and also to cut, remove, and clear away any fallen timber, logs, or things that may have a tendency of obstructing the navigation, or that, in the judgment of said commissioners, may endanger the same, doing as little damage to the owners or proprietors of any of the said lands as possible ; and for the purpose aforesaid, the said commissioners, their artificers, workmen and laborers, carts, wagons, horses and machinery of whatsoever kind it may be, shall have free ingress, egress and regress into and upon any land adjoining the said creek, for the purposes heretofore mentioned or intended so to be, and for any injury or damage sustained by any owner or proprietor of such lands, mills, sites, easement, water power, or right aforesaid, he, she, or they, shall be entitled to a full and fair compensation, to be agreed upon by the party complaining and any two of the said commissioners ; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the owner or owners of said lands, to choose one respectable freeholder in the state, not interested, and the said president and directors shall also choose one, who, in case of their disagreement, shall have power to choose an umpire, and who, together with the umpire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, shall determine at the expense of the parties, the amount of the compensation, which shall be paid by the president and directors of said company, to such of the applicants as they shall conceive to be injured, on which payment, or tender thereof, to the owner or owners of said lands, the said president and directors shall become seized in the same estate in the said lands which the owner or owners held in the same ; but if the owner or owners of said land will not agree to any of the provisions heretofore made, or refuse, or neglect to join in such choice, or shall be under the age of twenty-one years, *feme covert, non compos mentis*, or out of the state, or if in any case the men so chosen shall not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, and at the costs and charges of said parties, to direct a special jury of freeholders in any county in which said improvements shall be, to be struck before such justice in the manner in which special juries are generally struck, who shall view, examine and survey said lands, and estimate the damages sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the supreme court, by the sheriff of the county in which said inquisition is taken ; and it shall be the duty of such sheriff to attend before the said justice, with the book of the lawful jurors, at such time and place as the said justice shall appoint, upon ten days' notice being given him, for the purpose of striking such jury, and also upon like notice to have the jury upon the premises in question, at the time mentioned in the said notice, and to administer the oath or affirmation.

Rubbish to be cleared out of the creek, &c.

tion to the first twelve of said jurors not excepted to, and for good cause, set aside by the said sheriff; and the said sheriff and jurors shall be entitled to the like fees for their services, as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition and confirmation thereof, and the said president and directors, paying to the owner or owners respectively, the sum in such report mentioned, in full compensation for such lands, or for the injury sustained as aforesaid, the president and directors shall become seized in the same estate, in the lands which the said owner or owners held in the same, and they, and all who have acted under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, that the payment of damages aforesaid, for land through which said improvement may be made, or tender thereof, be made before the said president and directors, or any person under their direction, or in their employ, enter upon, and break ground in the premises, except surveying and laying out said improvements, unless the consent of the owner of such land be first obtained.

Sec. 6. *And be it enacted*, That when any portion of the said navigation shall have been completed to tide water, embracing a lock or locks for the passage of boats or rafts, the president and directors may levy, assess and collect such reasonable tolls upon the captain, skipper, or other persons having charge of any such boats or rafts passing the same, as to them shall be just and reasonable; and when the whole line of the said navigation shall have been completed, and in consideration of the risk and hazard incidental to this undertaking, the president and directors may fix, levy and collect such rate of toll upon all boats or rafts as may pass up and down the same, as to them shall appear right and proper.

Tolls to be collected.

Sec. 7. *And be it enacted*, That if any person or persons, shall in any manner wilfully or maliciously destroy, injure or obstruct the said navigation, or any of its parts or works otherwise connected, or unnecessarily and maliciously open any gates thereon, or otherwise maliciously let off and waste water to the detriment of said company, he, she or they, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall take place, not exceeding twenty dollars, and imprisonment; not exceeding one year; but such criminal prosecution shall in no wise impair the right of action for damages by civil suit to be brought by the company.

Penalty for injuring the works.

Sec. 8. *And be it enacted*, That after the said navigation shall have been completed, and within twelve months, and at least once in every year thereafter, the president and directors shall make and declare such dividend upon their net profits as to them shall appear just and reasonable, and such dividend shall be paid. Dividends shall be paid respectively to the stockholders, or their legal representa-

tives, at the company's office ten days thereafter if demanded, or at any other time.

**Non-payment  
of instalments,  
&c. liable to  
forfeiture.**

**Proviso.**

**When enjoined  
to make an-  
nual statement  
of receipts,  
dividends, &c.**

**On certain  
contingencies  
the legislature  
may alter this  
act.**

**Sixty years.**

**Sec. 9. And be it enacted,** That if any stockholder shall neglect or refuse to pay any instalment demanded by the board of directors, in conformity to the provisions of, and the true intent and meaning of, this act, for the space of thirty days after public notice of such requisition has been made, in at least two of the newspapers most generally circulated in the neighborhood, such share or shares, together with such instalments as may have been paid thereon, shall be taken as forfeited for the use of the company : *Provided always*, that stock so forfeited may be redeemed within six months from the date of such forfeiture, on the payment of all such instalments as may have been required on such share or shares, together with the interest thereon, at the rate of one per centum per month, as an equivalent for any loss the company may have sustained by such delay

**Sec. 10. And be it enacted,** That the said company shall, within three years after they shall have commenced their operations, exhibit to the legislature of this state, a true and complete statement, verified by the oath or affirmation of the president and clerk, or person acting as clerk thereof, of the receipts, expenditures, and dividends of profits of said company, and a similar statement every seven years thereafter ; and whenever it shall appear from any such statement that the tolls received and net annual profits made, would have enabled the said company to pay a dividend of more than twelve per centum per annum upon their capital expended under this act, the said company shall forthwith reduce the rate of their tolls so much as may appear to be necessary to reduce their dividends within the sum above specified, and thereafter it shall not be lawful for the said company to increase the said rate of tolls until it appear by such periodical statement as aforesaid, that their net annual profits are less than eight per cent. upon the capital expended as aforesaid.

**Sec. 11. And it be enacted,** That if the said company shall fail to perform and comply with the duties or requisitions, or any of them, contained in the last preceding section of this act, it shall be lawful for the legislature to alter and amend this act, so far as to regulate the rate and amount of tolls which it shall be lawful for the said company to charge.

**Sec. 12. And be it enacted,** That this act shall be, and continue in force for the term of sixty years.

C. and A. Passed December 27, 1826.

**AN ACT establishing an independent battalion within the bounds of the second regiment of the Salem brigade.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the uniform companies commanded by captains Thomas Rowan, John Sinnickson, Jacob Fox, William N. Jeffers, Edward Smith, and Henry Freas, of the second regiment of the Salem brigade, be, and the said companies hereby are, set off, and formed into an independent battalion.

**Sec. 2. And be it enacted,** That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings; by battalion the first Wednesday in May; and by battalion, for inspection, on the first Tuesday in June; and the said battalion shall be entitled to all the privileges, and subjected to all the penalties an independent battalion may, by the militia law of this state, be subjected to.

C. and A. December 27, 1826.

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**AN ACT respecting the Delaware and Raritan Canal Company.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That it shall and may be lawful for the Governor of this state, or the person administering the government of the same, and he hereby is authorized and directed to receive from the Delaware and Raritan Canal Company, a surrender to this state of their charter, together with all the privileges and immunities therein and thereby granted to them, for the use of this state; and thereupon to issue a certificate thereof, directed to the treasurer of this state, who, on receiving the same, shall pay to the said Delaware and Raritan Canal Company, or their lawfully authorized agent or agents, the sum of ninety thousand dollars, heretofore paid to him by them, together with the interest, if any, that may have accrued thereon: *Provided*, that the aforesaid surrender shall not be received, or the said certificate issued by the Governor, or person administering the government of this state, unless the said surrender shall have been duly authorized and directed by the holders or representatives of at least three fourths of the capital stock of said company, at a meeting of the stockholders convened for that purpose, in like manner and upon like notice as is required by said charter for the election of managers.

C. and A. Passed December 27, 1826.

**AN ACT concerning fisheries.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That it shall not be lawful for any person or persons, not resident citizens of this state, to draw or use any net or seine for the purpose of taking or catching fish in any of the bays, flats, rivers or waters within the jurisdiction of this state; and every person so offending shall forfeit and pay for every such offence the sum of thirty dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, in any court of record, having cognizance thereof, the one moiety thereof to the use of the prosecutor, and the other moiety to be paid to the county collector, for the use of the county in which the offence was committed: *Provided always nevertheless*, that nothing in this act shall be so construed as to affect the right or privilege of any owner or owners, tenant or tenants not resident in this state, from fishing upon or opposite to his, her, or their own shore in this state, or to prevent any resident, owner or tenant from employing what hands he may think necessary to carry on the business of his or their fisheries: *Provided also*, that nothing in this act contained shall relate to, or in any wise affect the fisheries on the waters of the river Delaware.

**Sec. 2. And be it enacted,** That in any action for the recovery of the above penalty, the same may be commenced by warrant in the court for the trial of small causes and proceeded in as in other cases when the same is commenced by warrant, any law usage or custom to the contrary notwithstanding.

C. and A. Passed December 27, 1826.

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**A FURTHER SUPPLEMENT to the act, entitled "An act to incorporate societies for the promotion of learning."**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That the trustees of each and every association, heretofore incorporated under the act to which this is a supplement, and all such as shall be hereafter incorporated under said act, shall be elected annually on the second Monday of April, in each and every year, by the members of said association, at the usual place of meeting of said association, or at such other time and place as the board of trustees shall from time to time order and direct; and that every person who shall have been duly admitted a member of said association, by a majority of the trustees for the time

being, and shall have paid to the said trustees, for the use of the association, the sum of three dollars, shall be admitted to vote for trustees.

Sec. 2. *And be it enacted*, That so much of the supplement to an act, entitled "An act to incorporate societies for the promotion of learning," passed June sixth, one thousand eight hundred and twenty, as comes within the purview of this act, and inconsistent therewith, be, and the same is hereby repealed.

A. Passed December 27, 1826.

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#### **AN ACT to authorize Hannah Barcoe to inherit real estate.**

WHEREAS Thomas Barcoe, late of the county of Bergen, died seized of a certain lot of land, situate in the township of Saddle River, in said county, and without having left any lawful heirs to inherit the same: *And whereas* the said Hannah Barcoe is the widow of the said Thomas Barcoe, deceased—

**THEREFORE,**

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Hannah Barcoe, shall, forever hereafter, hold and enjoy the said lot or tract of land, with the tenements and hereditaments thereunto belonging, to her and her heirs and assigns forever, as a full and perfect estate of inheritance, in fee simple, as though the same had descended to her as the lawful heir at law of the said Thomas Barcoe, any law to the contrary notwithstanding: *Provided always*, that this act shall not impair any legal right or title any heir at law of the said Thomas Barcoe may have to the said lot or tract of land, the tenements or hereditaments thereunto appertaining.

C. Passed December 2, 1826.

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#### **AN ACT concerning the African education society.**

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the association, incorporated at Newark, New-Jersey, in the month of April last, by the name and style of "The society for the education of free colored children and

youth in the United States," under an act of the legislature of this state, entitled "An act to incorporate societies for the promotion of learning," and the supplement thereto, be, and they are hereby authorized to elect any number of their said association, not exceeding twenty-five, to be trustees of the same, at the time, and in the manner regulated by the said act of the legislature, and the supplement thereto, and that five of the said trustees shall be a quorum to transact business; and that it shall be necessary for such number of five trustees to be present and agree to any order, regulation or proceeding, to make the same valid.

Sec. 2. *And be it enacted*, That so much of the said act of the legislature, and the supplement thereto, as relates to the election of seven trustees, so far as the said provision concerns the association above named, be, and the same is hereby repealed.

C. Passed December 5, 1826.

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#### A SUPPLEMENT to an act entitled "An act concerning slaves."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That when a colored person, held to labor or service in any of the United States, or in either of the territories thereof, under the laws thereof, shall escape into this state, the person to whom such labor or service is due, his or her duly authorized agent or attorney, constituted in writing, is hereby authorized to apply to any judge of any inferior court of common pleas, or justice of the peace, who on such application, supported by the oath or affirmation of such claimant, or authorized agent or attorney as aforesaid, that the said fugitive hath escaped from his or her service, or from the service of the person for whom he is duly constituted agent or attorney, shall issue his warrant under his hand and seal, and directed to the sheriff or any constable of the proper county, authorizing and empowering said sheriff or constable to arrest and seize the said fugitive, who shall be named in said warrant, and to bring said fugitive before a judge of the inferior court of common pleas of the proper county; which said warrant shall be in the form or to the effect following: State of New-Jersey. county,  
 ss. The state of New-Jersey, to the sheriff or any constable of county, greeting: Whereas it appears by the oath or solemn affirmation of that \_\_\_\_\_ was held to labor or service to \_\_\_\_\_ of \_\_\_\_\_ in the state of \_\_\_\_\_ and that the said \_\_\_\_\_ county, \_\_\_\_\_ hath hath caped from the labor and service of the said \_\_\_\_\_

You are therefore commanded to arrest and seize the body of the said if he be found in your county, and bring him forthwith before any judge of the inferior court of common pleas of said county, so that the truth of the matter may be inquired into, and the said to be dealt with as the constitution of the United States, and the laws of this state direct: Witness our said judge, or justice, as the case may be, at this day of

A. D. one thousand eight hundred and

By virtue of such warrant, the person named therein may be arrested by the proper sheriff or constable, to whom the same shall be delivered within the proper county.

*Sec. 2. And be it enacted,* That no judge or justice of the peace shall issue a warrant on the application of any agent or attorney, as provided in the first section, unless the said agent or attorney shall, in addition to his own oath or affirmation, produce the affidavit of the claimant of the fugitive, taken before and certified by a justice of the peace or other magistrate, authorized to administer oaths in the state or territory in which such claimant shall reside, and accompanied by a certificate of the authority of such justice or other magistrate to administer oaths, signed by the clerk or prothonotary, and authenticated by the seal of a court of record in such state or territory; which affidavit shall state the said claimant's title to the service of such fugitive, and also the name, age and description of the person of such fugitive.

*Sec. 3. And be it enacted,* That it shall be the duty of any judge or justice of the peace, when he grants or issues any warrant under the provision of the first section of this act, to make a fair record of the same upon his docket, in which he shall enter the name and place of residence of the person on whose oath or affirmation the said warrant may be granted; and also, if an affidavit shall have been produced under the provisions of the second section of this act, the name and place of residence of the person making such affidavit, and the age and description of the alleged fugitive contained in such affidavit; and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the inferior court of common pleas of the proper county; and any judge or justice of the peace who shall refuse or neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding one thousand dollars; and any sheriff or constable receiving and executing the said warrant, shall, without unnecessary delay, carry the person arrested, before the judge, according to the exigency of the warrant; and any sheriff or constable who shall refuse or wilfully neglect so to do, shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any

sum not exceeding five hundred dollars; or shall also be sentenced to imprisonment at hard labor, for a time not exceeding six months, or both.

**Sec. 4. *And it be enacted,*** That the said fugitive from labor or service, when so arrested, shall be brought before a judge as aforesaid, and upon proof to the satisfaction of such judge, that the person so seized or arrested, doth under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge to give a certificate thereof to such claimant, his or her duly authorized agent or attorney, which shall be sufficient warrant for removing the said fugitive to the state or territory from which he or she fled: *Provided*, that the oath of the owner or owners, or other persons interested, shall in no case be received in evidence before the judge on the hearing of the case.

**Sec. 5. *And be it enacted,*** That when the fugitive shall be brought before the judge agreeably to the provisions of this act, and either party shall make oath or affirmation, in writing, that he or she is not prepared for trial by reason of the absence of some material witness whom he or she shall name, it shall and may be lawful, unless security satisfactory to the said judge be given for the appearance of the said fugitive on a day certain, to commit the said fugitive to the common jail for safe keeping, there to be detained at the expense of the owner, agent or attorney, for such time as the said judge shall think reasonable and just, and to a day certain, when the said fugitive shall be brought before him by *habeas corpus*, in the court house of the proper county, or in term time at the chamber of the said judge, for final hearing and adjudication: *Provided*, that if the adjournment of the hearing be requested by the claimant, his agent or attorney, such adjournment shall not be granted, unless the said claimant, his agent or attorney, shall give security satisfactory to the judge, to appear and prosecute his claim on the day to which the hearing shall be adjourned, or on failure thereof to pay and satisfy forthwith unto the person so taken as a fugitive, all such damages, costs, charges and expenses, as may have been sustained or accrued by reason of having been so taken and committed: *Provided*, that on the hearing last mentioned, if the judge committing the said fugitive or taking the security as aforesaid, should be absent, sick or otherwise unable to attend, it shall be the duty of either of the other judges, on notice given, to attend to the said hearing, and to decide thereon.

**Sec. 6. *And be it enacted,*** That the officers which may or shall be employed in the execution of the duties of this act, shall be allowed the same fees for issuing and serving process as are now or hereafter shall be allowed, by law, in criminal cases, and two dollars and fifty cents per day for each and every day necessarily spent in performing the duties enjoined on them by this act, to be paid in all cases by the claimant, owner, agent or attorney, immediately on the performance of the duties aforesaid.

**Sec. 7. And be it enacted,** That it shall be the duty of the judge of any inferior court of common pleas of this state, when he grants or issues any certificate or warrant of removal of any negro or mulatto, claimed to be a fugitive from labor, to the state or territory from which he or she fled, in pursuance of an act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An respecting fugitives from justice and persons escaping from the service of their masters;" and of this act, to make a fair record of the same, in which he shall enter the name, age, sex, and a general description of the person of the negro or mulatto, for whom he shall grant such certificate or warrant of removal, together with the evidence, and the name of places of residence of the witnesses, and the party claiming such negro or mulatto, and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the inferior court of common pleas of the county in which he may reside.

**Sec. 8. And be it enacted,** That if any person or persons shall seize, arrest, or take any person under pretence that such person is held to labor or service in any other of the United States, or in either of the territories thereof, and hath escaped into this state, without having previously obtained the warrant herein before mentioned, or without having other legal authority for the purpose, under some act of the legislature of this state, or of the congress of the United States; or if any two or more persons, being armed, shall assemble together, and enter the dwelling house, or place of abode of any other person, under pretence of searching for any person or persons held to labor or service in any other of the United States, or either of the territories thereof, and who hath or have escaped into this state, without having previously obtained the warrant herein before mentioned, or without having other legal authority for the purpose, under some act of the legislature of this state, or of the congress of the United States, such person or persons, so seizing, arresting or taking as aforesaid, and such persons so assembling as aforesaid, and entering as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding one thousand dollars, or by imprisonment at hard labor, not exceeding two years, or both, at the discretion of the court before whom such conviction may be had.

**Sec. 9. And be it enacted,** That the seventh section of "An act respecting slaves," passed the fourteenth day of March, one thousand seven hundred and ninety-eight, and all other acts, or parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

C. Passed December 26, 1826.

**AN ACT to authorize Nancy Drake, and Lydia Phillips, to convey certain real estate.**

**WHEREAS** James Drake, late of the city of New-Brunswick, in the county of Somerset, deceased, did in and by his last will and testament, bearing date the fifth day of July, in the year of our Lord one thousand eight hundred and eight, among other things, give, devise, and bequeath unto his beloved wife Jane, the plantation in North Brunswick, which he purchased of William Cheeseman, containing two hundred and one acres and thirty hundredths, so long as she should remain his widow : *And whereas*, as the said James Drake, did in and by his said will, give to his daughter Lydia Phillips, one thousand pounds ; to his daughter Nancy, twelve hundred pounds ; and to his son James, two hundred pounds ; and ordered and directed that the said plantation, purchased of William Cheeseman, and devised to his wife as aforesaid, should, after her decease or re-marriage, be sold by his executors, therein named, or the survivor of them, and that the proceeds thereof should be appropriated to the payment of the said legacies, or *pro rata*, as the case might be, and appointed his son, Henry Drake, and his friend Andrew Kirkpatrick, his executors : *And whereas* the said Andrew Kirkpatrick, after the death of the said James Drake, renounced his appointment of executor to the said will, and refused to prove the same, whereby the said will was proved by the said Henry Drake alone, who died in the life time of his mother, the said Jane Drake ; and the said Jane Drake also departed this life in the month of January, one thousand eight hundred and twenty-six, without having remarried : *And whereas*, on the fifth day of April, in the year of our Lord one thousand eight hundred and twenty-four, the said James Drake, son of the said testator, Lydia Phillips, and Nancy Drake, contracted with Isaac Purdun, for the sale of the said farm, subject to the interest of the said Jane Drake therein, who paid to the said James his portion of the moneys according to the said contract ; since which, the said James has also departed this life, leaving no person interested in the sale of the said farm, except the said Lydia Phillips, and the said Nancy Drake, the same not being of sufficient value to pay the said legacies : *And whereas* the said Lydia Phillips, and Nancy Drake, have presented their petition, praying that a law may be enacted authorizing and empowering them to convey the said farm to the said Isaac Purdun, in pursuance of the said will, and for the fulfilment thereof, and perfecting said contract—Now THEREFORE,

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said Nancy Drake, and Lydia Phillips, be,**

and they are hereby authorized and empowered to convey to the said Isaac Purdun, the said farm, in fee simple, by a good and sufficient deed of conveyance.

A. Passed December 28, 1826.

**AN ACT** to defray incidental charges.

**Sec. 1. BE IT ENACTED** by the *Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this state to pay to the several persons hereinafter named, the following sums, viz:—

To William Irick, Joshua Sharpe, and Joshua S. Earl, commissioners, one hundred dollars and seventy-five cents, being the sum expended by them over and above the amount appropriated by law for building a fire proof office, in the city of Burlington, for the safe keeping of the records of the surveyor general of the western division of this state.

To William Gould, for cording wood and sawing for the state house, and other expenditures, accompanied by vouchers, thirty dollars and eighty-four cents.

To Alexander Witherup, for furnishing assembly room with locks, and repairing blinds in council chamber, &c. as per bill, four dollars twenty-seven and a half cents.

To Asa Belden, for repairing pipe at the state house, as per bill, two dollars and fifty cents.

To William Kerwood, for forty-six chair cushions furnished the house of assembly, seventy dollars and six cents, as per bill rendered.

To Martin C. Howe, for finding and setting glass in the state house, and furnishing lock for secretary's office, and repairing locks in council chamber, as per bill, seven dollars and seventy-five cents.

To Joseph Justice, for printing the act of the assylum of New-Jersey, in pamphlet form, as per bill, twelve dollars; and also the further sum of seventy-eight dollars for printing militia blanks, by order of Zachariah Rossell, esq. adjutant general, as per bill.

To Benjamin Thomson, for attendance before the committee appointed to investigate the conduct of the commissioners of the New-Jersey Delaware Oyster Company, under and by virtue of a writ of subpoena, issued by the Hon. George K. Drake, esq. speaker, as per bill, eleven dollars and fifty cents.

To William L. Prall, for wood furnished the state, as per bill, one hundred fifty-eight dollars and seventy-five cents.

To his excellency Isaac Williamson, Governor, twenty-six dollars and eighty-two cents for postage on letters received at the post office of Elizabeth-town, as per bill, rendered from October first, one thousand eight hundred and twenty-five, to October first, one thousand eight hundred and twenty-seven.

To George Sherman, for furnishing legislature with newspapers, and publishing public acts, and notice of court of appeals, as per bill, forty-eight dollars and fifteen cents.

To James Parker, James Vanderpool, and Asa Whitehead, commissioners appointed to examine into the affairs of the Franklin Bank, the Hoboken Banking and Grazing Company, as follows:— James Parker, for five days' services and expense, twenty-one dollars and fifty cents; James Vanderpool, for ten days' services and expenses, forty-eight dollars; Asa Whitehead, for ten days' services and expenses, and drawing and extracting two reports, fifty-four dollars.

To Francis S. Wiggius, for furnishing stationary for the legislature, and printing, as per bill, ninety-two dollars and nine cents; and also the further sum of six dollars per sheet for publishing the law reports in addition to the sum allowed by the act of one thousand eight hundred and twenty-five.

To Jonathan Brown, for attendance before the committee of the legislature as a witness in the case of Joseph Hill, complainant vs. Radford Jobs, justice, in December, one thousand eight hundred and twenty-four, as per bill, two dollars.

To Charles Parker, for expenses going to, while at, and returning from, Philadelphia, forty-one dollars and four cents, different times on business for the state; to postage for one year, eight dollars and forty-nine cents; to freight paid Philip Howell for books, one dollar and two cents; to amount paid Thomas Woodruff, as per bill, four dollars and fifty-three cents; to expenses going to, while at, and returning from Milford, in the state of Pennsylvania, six days, including hire of horse and sulkey, as per bill, twenty-three dollars and sixty-six cents; to cash paid for transporting books from New-York, as per bill, two dollars; to postage paid for the governor, at the post office in Trenton, up to the first of October one thousand eight hundred and twenty-six, as per bill, thirteen dollars and seventy-three cents; to postage paid on letters addressed to the adjutant general up to the first of October one thousand eight hundred and twenty-six, as per bill, one dollar and thirty-eight cents; to cash paid Daniel Baker, for one dozen chairs, as per bill, fourteen dollars; also to going express to Spotswood, six dollars; which several sums amount to one hundred fifteen dollars and eighty-five cents.

To Ralph Green, for cutting door and putting down carpet strip, and other repairs done the state house, as per bill, five cents.

To Charles Parker, and John Wilson, esqs. commissioners appointed under the act of December, one thousand eight hundred and twenty-five, for the purpose of making repairs and in-

provements in the office of the clerk of chancery, as per bill, from No. 1 to No. 21, inclusive, six hundred sixty-three dollars and eighty-six cents.

To Garret D. Wall, for costs and fees on a writ, issued at the suit of the state of New-Jersey, against Daniel M'Laren, on bond, fifteen dollars.

To Joseph Justice, for printing bills for council; also furnishing council and house of assembly with "The Emporium," during the present session; also furnishing council with books, ink-stands, &c.; also one dozen of red tape furnished council last year, which several bills amount to forty-nine dollars and eleven cents.

To Daniel Fenton, for stationary twenty-four dollars forty-five and a half cents, furnished council; also the further sum of forty-eight dollars and ninety-five cents for stationary furnished house of assembly.

To William L. Prall, for printing bills for the house of assembly; reports of committees; and furnishing council and assembly with "The True American," as per bill rendered, three hundred and sixty-seven dollars and twenty-five cents.

To Joseph Justice, for four quires post paper furnished council, one dollar and twenty-five cents.

To Thomas Cain, for candles furnished council and assembly, during the present session, as per bills, seven dollars and ninety-four cents.

To George Sherman, for printing two hundred copies of the acts of acts, as per bill, five dollars.

To John Davisson, for ink, pincers, &c. furnished council, as per bill, two dollars and eighty-eight cents.

C. and A. Passed December 28, 1826.

#### **AN ACT for the support of the government of this state.**

**Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,** That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, viz :—

To the governor of this state, for the time being, at the rate of two thousand dollars by the year.

To the chief justice of the supreme court of this state, for the time being, at the rate of twelve hundred dollars by the year.

To the associate justices of the supreme court, for the time being, at the rate of eleven hundred dollars by the year.

To the treasurer of this state, for the time being, at the rate of eleven hundred dollars by the year.

To the law reporter of this state, for the time being, at the rate of two hundred dollars by the year.

To the attorney general of this state, for the time being, at the rate of eighty dollars by the year.

To the quartermaster general of this state, for the time being, at the rate of one hundred dollars by the year.

To the adjutant general of this state, for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators or assigns, on warrant produced to the treasurer, signed by the governor, or vice president of council; and in case of any of said officers shall be removed from office by death or otherwise, the salary of such officers shall cease and determine on such removal; and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

*Sec. 2. And be it enacted,* That there shall be paid to the vice president of council, and the speaker of the house of assembly, the sum of three dollars and fifty cents; and to every member of the council and assembly the sum of three dollars for each and every day that they have respectively attended this, or may attend this, or any future meeting of the legislature; and to every member the additional sum of three dollars for every twelve miles of the estimated distance, by the most usual road, between his place of residence and the seat of government, in going and returning, on a certificate to be produced to the treasurer expressing the sum due, and the number of days and miles, signed by the president, or vice president, of council, for the members of council; or by the speaker of the house of assembly, for the members of assembly, or by William B. Ewing, Asa C. Durham, William Stites, and Isaiah Toy, or any two of them, for the members of assembly.

*Sec. 3. And be it enacted,* That there shall be paid to the secretary of council, and to the clerk of assembly, the sum of three dollars and fifty cents for every day they have respectively attended this, or may attend any future sitting of the legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of council and assembly; and the joint meeting, fairly in the journals; and five cents by the sheet for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president, or vice president, of council, for the secretary of council; and by the president of council, or the speaker of the house of assembly, for the clerk of assembly.

*Sec. 4. And be it enacted,* That the treasurer pay to such person or persons as shall print the law reports, thirty-two dollars for every sheet; that the treasurer pay to such person or persons as shall print the laws, the sum of thirty-two dollars for every sheet, and that sixteen hundred copies of each be printed; the

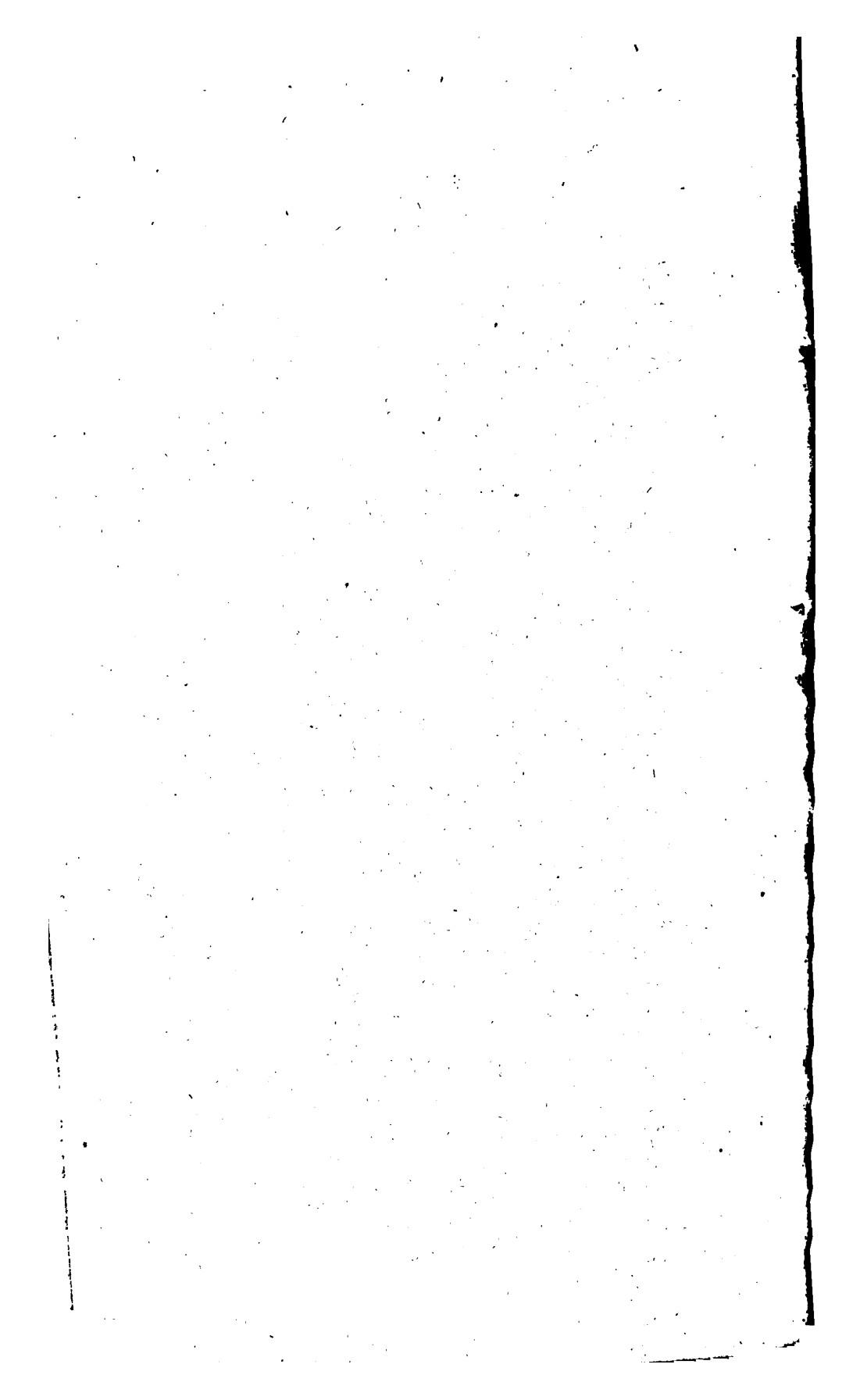
the treasurer pay to such person or persons as shall be appointed by the house of assembly to print the votes and proceedings of the assembly, and to such person or persons as shall be appointed by the council for printing the journals of council and the minutes of joint meeting, the sum of twenty-eight dollars for every sheet, and that thirteen hundred copies be printed; and that the printers of the laws be required to print the public and private laws together, in one pamphlet, in the order of their passage, with tables of contents at the end, containing the title of each public act in one table, and of the private acts in another table.

Sec. 5. *And be it enacted*, That there shall be paid to the servant at arms, for the time being, who shall attend the council, and the house of assembly, and to the doorkeepers of council and the house of assembly, for the time being, the sum of two dollars by the day, for each day, on a certificate to be produced to the treasurer, expressing the sum, and the number of days they have respectively attended, signed by the president of council, or the speaker of the house of assembly.

Sec. 6. *And be it enacted*, That there shall be paid to the secretary of council, and to the clerk of assembly, who shall generally engross the bills of council and assembly, this session of this legislature, at the rate of eight cents by the sheet, on a certificate of the amount, signed by the president, or vice president of council, or by the speaker of assembly.

Sec. 7. *And be it enacted*, That this act be, and continue in force for one year from the twenty-fourth day of October, one thousand eight hundred and twenty six, and no longer.

C. and A. Passed December 28, 1826.



## RESOLUTIONS.

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Mr. EWING, from the joint committee of council and assembly, to whom was referred the memorial of Jonathan Dollass, and others, complaining of the conduct of the commissioners and directors of the New-Jersey Delaware oyster company, beg leave to report, that they have examined carefully, the memorial and accompanying documents, and without giving any opinion on the merits of the dispute, are impressed with the belief that the rights of all parties can be more properly ascertained and settled in a judicial tribunal than by the legislature; they, therefore, beg leave to recommend the adoption of the following resolution:

**RESOLVED**, That the attorney general of the state, be required to file an information in the nature of a *quo warranto*, against the said New-Jersey Delaware oyster company, to enquire by what right and authority the said corporation exercise their privileges and powers.

C. Passed November 21, 1826.

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### RESOLUTIONS appointing commissioners to examine into the situation of several banking companies.

**RESOLVED**, by the Council and General Assembly of New-Jersey, That James Parker, James Vanderpool, and Asa Whitehead, or any two of them, be, and they are hereby authorized and appointed to examine into the situation and affairs of the Hoboken Banking and Grazing Company, and to enquire whether the capital stock of said company was subscribed and paid in, agreeably to the requisitions of the act incorporating said company, or any supplement thereto; and whether the said company have employed, and continue to employ, one half of the capital stock of said company for the uses and purposes specified in the act, entitled "An act to incorporate the New-Jersey Salt Marsh Company," and that they make report thereon to the legislature of this state.

*And be it further resolved*, That the said commissioners, or any two of them, be authorized and directed particularly to examine into the situation and affairs of the president, directors and company of the Jersey Bank; and also of the president, direc-

tors and company of the Franklin Bank of New-Jersey, and  
that they make report thereon to the legislature of this state.

C. Passed November 24, 1826.

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**RESOLUTION** relative to certain moneys in the hands of Abi-  
ah Willson, esq.

WHEREAS the legislature of this state, by an act, entitled "An act to incorporate the Orange and Sussex Canal Company," passed the tenth day of December, one thousand eight hundred and twenty-three, did authorize the treasurer of this state, upon the happening of an event therein mentioned, to pay out of the moneys of this state, the sum of four hundred dollars to certain persons, in the said act named, for the purposes therein expressed, under which authority the said sum of four hundred dollars was paid by the treasurer to Abiah Willson, esq, one of the persons in the said act named: And whereas it has been suggested to the council and general assembly of this state, that the said sum of four hundred dollars has not been by the said Abiah Willson, wholly appropriated and ex- pended as in and by the said act was directed—THEREFORE,

**RESOLVED**, by the Council and General Assembly of this State, That the attorney general of this state, do require of the said Abiah Willson, to account for the moneys so by him received, and for the appropfiation thereof; and that the said attorney general do institute such proceedings, in the law, as he shall deem proper and necessary, to recover any balance remaining in the hands of the said Abiah Willson, not appropriated for the use of the commissioners, and for the purposes in the said act mentioned.

A. Passed November 29, 1826.

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**RESOLUTION** relative to proposals for printing and engross- ing the bills of the legislature.

**RESOLVED**, by the Council and General Assembly of this State, That the secretary of state, be, and he hereby is directed to give notice, in the newspapers published in Trenton, for four weeks next before the fourth Tuesday in October next, for sealed pro-

posals to be delivered to the said secretary on or before that day, for printing the bills ordered to be printed by either branch of the legislature of this state; and also for engrossing the bills ordered to be engrossed by either branch of the legislature aforesaid, during the next session thereof; which proposals shall be, by the said secretary, delivered to the vice president of council, or speaker of the house of assembly, when the said officers shall be chosen, who shall be, and hereby are empowered to employ one or more person or persons to do the work aforesaid.

C. and A. Passed December 27, 1826.

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**PREAMBLE and RESOLUTION relative to certain unavailable balances standing on the books of the treasurer.**

WHEREAS the State Bank at Trenton, have suspended banking operations, and appear from the account of the treasurer, to be indebted to the state for tax, the sum of four hundred and sixty-two dollars, which has accrued since their suspension of business: *And whereas* it appears reasonable that the said tax should be remitted, and no further tax should be demanded by the state, so long as the said bank suspend its operations—**THEREFORE,**

**Resolved by the Council and General Assembly of this State,** That the treasurer be directed to cancel the said charge of four hundred and sixty-two dollars, against said bank in his last account; and also that the treasurer be directed not to charge the said bank with any tax, so long as the said bank suspend their operations.

**Resolved,** That the treasurer of this state be directed not to carry to his next account the balance of six thousand one hundred and thirty-one dollars and two cents, standing against Peter Gordon, late treasurer.

**Resolved,** That the treasurer be directed to balance the charge of seven dollars and forty-nine cents, against the collector of Middlesex, for oyster rents.

C. Passed December 13, 1826.

A RESOLUTION for suspending the collection of the tax of  
the Franklin Bank of New-Jersey.

*RESOLVED, by the Council and General Assembly of this State,*  
That the treasurer be, and he is hereby directed to suspend the  
collection of the tax, which may become due on the capital  
stock of the Franklin Bank of New-Jersey, until the said bank  
shall resume their banking operations.

C. and A. Passed December 27, 1826.

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